

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) Cause No.
vs.) 3:23-cr-30076-SPM-1
) East St. Louis, IL
NIRAV B. PATEL,) February 7, 2025
) 9:02 a.m.
Defendant.)

Before the
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF JURY TRIAL
VOLUME 5**

FOR PLAINTIFF: Mr. Peter T. Reed
 Mr. Steven D. Weintraub
 United States Attorney's Office
 9 Executive Drive
 Fairview Heights, Illinois 62208
 peter.reed@usdoj.gov
 steven.weintraub@usdoj.gov

FOR DEFENDANT: Ms. Kim C. Freter
 Federal Public Defender's Office
 650 Missouri Avenue, Suite G10A
 East St. Louis, Illinois 62201
 kim.freter@fd.org

INTERPRETERS: Nita Shah and Chetan Vyas

COURT REPORTER: Erin M. Materkowsky, RPR, CRR
 erin.materkowsky@ilsd.uscourts.gov
 750 Missouri Avenue
 East St. Louis, IL 62201

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PATEL - CONTINUED CROSS/REED

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1 (In open court.)

2 (Jury present at 9:02 a.m.)

3 THE COURT: Good morning. You are still
4 under oath. You may proceed.

5 **CONTINUED CROSS-EXAMINATION**

6 BY MR. REED:

7 Q. Good morning, sir.

8 A. Good morning.

9 MR. REED: Put Exhibit 93 on the screen,
10 please.

11 BY MR. REED:

12 Q. Sir, this is November 23 of 2022 in Merrill,
13 Wisconsin?

14 A. Yes.

15 Q. You took this picture?

16 A. Yes.

17 Q. Okay. It was dark outside?

18 A. Yes.

19 Q. There was snow on the ground?

20 A. Yes.

21 Q. Ice on the street?

22 A. Yes.

23 Q. Sir, you have family back in India?

24 A. Yes.

25 Q. And your own parents, are they still alive?

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1 A. I do not know about my mother because for last
2 four or five months, I have not talked to her. She
3 was in a lot of trouble when I last talked to her.
4 There's no other breadwinner, I am the only one,
5 and there is no money in the family.

6 Q. Sir, I'm sorry to hear that your mother is not
7 doing well. You mentioned that yesterday and to
8 the agents?

9 A. I have faith in God.

10 Q. We all worry about our parents.

11 A. I am a responsible child.

12 Q. How old is your mother?

13 A. Around 77 years.

14 Q. Does she live on her own?

15 A. Sir, in Indian culture, everybody stays
16 together. It's a joined family.

17 Q. Okay. Now, you've seen these three older
18 ladies testify this week, right?

19 A. What lady?

20 Q. Vonda Lutz, Karen Endres, Virginia Bryan?

21 A. Yes.

22 Q. They're about your mother's age?

23 A. Yes.

24 Q. And I ask this respectfully --

25 A. I respect them by my heart.

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1 Q. -- but if your mother called you and told you
2 that she had put 1 million rupees in a box and
3 dropped it in the back of the car after dark, what
4 would you tell her?

5 MS. FRETER: Your Honor, I object as this
6 is an improper hypothetical.

7 THE COURT: Yeah.

8 MR. REED: Judge, if I may, defense
9 counsel has suggested there's some kind of cultural
10 barrier here. I think it's appropriate to ask
11 whether in India, like here, this looks wrong.

12 THE COURT: I sustain the objection.

13 BY MR. REED:

14 Q. So back to this picture, sir. You went to a
15 specific address in Merrill, Wisconsin, and parked
16 on the street?

17 A. Yes.

18 Q. You did not get out of the car?

19 A. No.

20 Q. You waited for Karen Endres to walk to your
21 car?

22 A. Yes.

23 Q. She was carrying a box?

24 A. I did not pay attention to that.

25 Q. She put a box in your car?

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1 A. Yes.

2 Q. Did you say hello and tell her your name?

3 A. She did not ask me anything, and I did not
4 reply to her anything.

5 Q. And you actually -- when she reached your car,
6 you slouched down and turned your head away from
7 her, right?

8 A. I don't remember anything like that.

9 Q. Okay. So when she testified that that's what
10 you did, do you dispute that?

11 MS. FRETER: Your Honor, this is --

12 Mr. Patel -- I'm objecting is that this is an
13 improper question asking him to comment on the
14 testimony of another witness.

15 THE COURT: I think he asked if he
16 remembered her testimony. So the question -- I
17 mean, the objection is overruled.

18 BY MR. REED:

19 Q. You heard her say that, that you slouched down
20 the other way?

21 A. At this time I don't remember anything like
22 that.

23 Q. Okay. I'll move on.

24 Did you give her a receipt?

25 A. No, no.

PATEL - CONTINUED CROSS/REED

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1 Q. Did you make sure she made it back to her house
2 safely?

3 A. Yes, I was watching.

4 Q. Did you hear -- do you remember her testifying
5 earlier this week that you took off before she made
6 it back across the street?

7 A. At this time I don't know those details.

8 Q. You took a video of the box that she gave
9 you?

10 A. I don't remember that, but I think I took.

11 Q. You took videos of each box you picked up from
12 these ladies, right?

13 A. Yes.

14 Q. And then you sent that video to Danny and these
15 other people, right?

16 A. Yes.

17 Q. And they told you where to take the money,
18 right?

19 A. I don't know about any money, but it was a
20 courier matter, and I had to give it to.

21 Q. So you took it to somebody else, and when you
22 got there, you counted the money with the other
23 person?

24 A. Yes.

25 Q. So you knew it was money?

PATEL - CONTINUED CROSS/REED

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1 A. I knew that there were money, but how much, the
2 amount, I did not know.

3 Q. And I think when you spoke with agents, you
4 recalled counting a box that had about \$28,000 in
5 it; is that right?

6 A. I would clarify that right now here. Because
7 that person also doesn't know me, because that
8 person may have a feeling like that I may be
9 stealing this money from this, and that he was
10 verifying that he was honest or not.

11 MS. FRETER: And I'm sorry. I missed the
12 word that the interpreter said. I couldn't
13 understand it. Can you repeat that?

14 THE INTERPRETER: Can you repeat the
15 question because --

16 MS. FRETER: No. Can you repeat your
17 answer -- what his answer was. Can you repeat what
18 you said.

19 THE INTERPRETER: Because that person did
20 not knew me, and that's the reason I was taking the
21 pictures. That's what he meant to say. I was
22 honest.

23 BY MR. REED:

24 Q. You counted the money in the box?

25 A. I did not count.

PATEL - CONTINUED CROSS/REED

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1 Q. You were there when it was counted? I think
2 you said that just two questions ago.

3 A. That individual has counted there.

4 Q. You saw him count?

5 A. Yes.

6 Q. So you knew it was a lot of bills? A lot of
7 money?

8 A. I was observing.

9 Q. Okay. So when Karen Endres told us earlier it
10 was \$29,000, that sounds right to you?

11 A. At that time that individual was talking to
12 some other party, and he was talking very loud.

13 Q. Okay. But you saw all the bills, right?

14 A. It appeared that he was very angry.

15 Q. After he counted?

16 A. Yes.

17 Q. He thought there wasn't enough?

18 A. No, I had no communication with that.

19 MR. REED: Okay. Let's put up
20 Government's Exhibit 113.

21 BY MR. REED:

22 Q. After the other guy counted the money, he made
23 these notes on the bill?

24 A. That dollar was given by that individual only,
25 and when I hand over -- when they give me this

PATEL - CONTINUED CROSS/REED

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1 bill, that individual, I hand over the box, and
2 then I take this -- I send this image to --

3 Q. That wasn't my question, sir. I asked, Did the
4 other guy write this 27120 on the bill? Yes or
5 no?

6 A. No, that individual gave me this bill.

7 Q. Did he write what's written on the bill?

8 A. I did not write.

9 Q. Did the other guy write it?

10 A. I did not observe it.

11 MR. REED: Well, if we could go back to
12 112.

13 I'm sorry. It must be 111 and 110.

14 BY MR. REED:

15 Q. The bill starts blank, right?

16 A. Yes.

17 Q. And then something is written on it?

18 A. No.

19 MR. REED: Back to 111.

20 BY MR. REED:

21 Q. Something is written on it now?

22 A. Yes.

23 Q. And you took both of these pictures?

24 A. Yes.

25 Q. While meeting with the guy and counting the

PATEL - CONTINUED CROSS/REED

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1 money?

2 A. No, I don't know anything about it.

3 Q. Okay. I'll move on.

4 When you handed off these ladies' money to
5 other people, did you meet at a bank?

6 A. No.

7 Q. Police station?

8 A. No.

9 Q. Parking lot?

10 A. I don't remember that part.

11 Q. Well, yesterday you said it was a shopping
12 mall, right?

13 A. Yes, something like that.

14 Q. And it was in the car?

15 A. What was in the car?

16 Q. You and the guy who you counted the money with
17 did it in the car?

18 A. No.

19 Q. You got out of the car?

20 A. No.

21 Q. Were you parked in a parking lot when you
22 handed over the money?

23 A. I parked, yes.

24 Q. At a shopping mall?

25 A. Yes.

PATEL - CONTINUED CROSS/REED

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1 Q. Okay. And the guy you met and handed over the
2 money to, you said he was a stranger to you; is
3 that right?

4 A. Yes.

5 Q. Do you hand over tens of thousands of dollars
6 of your money in a parking lot?

7 A. If I don't know, I won't hand over.

8 Q. You don't hand over money in parking lot if
9 it's your money?

10 A. If I had to give it to somebody and if it's
11 like that, then I may give.

12 Q. A parking lot is not a normal place to hand
13 over tens of thousands of dollars? Yes or no?

14 A. No. If I had to do the payment to somebody and
15 if it is a legal money, what would I have to fear
16 about anything.

17 Q. We'll get to that.

18 This time in Merrill, Wisconsin, where you
19 parked by the railroad tracks, that's the first
20 time you did one of these money pickups, right?

21 A. It was either second or third time.

22 Q. Did -- you knew from the very first time you
23 did this package work that the packages had money
24 in them? Yes or no?

25 A. No.

PATEL - CONTINUED CROSS/REED

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1 Q. You just testified that you saw the guy count
2 the money? Yes or no?

3 A. It is true, but I don't know that you are
4 considering it the first time or the second time or
5 the third time.

6 Q. By this time, the first time you're in
7 Wisconsin, you knew the packages had money in
8 them?

9 A. About money, I have no information. My phone
10 has messages, you can view it.

11 Q. Sir, my question, sir --

12 MS. FRETER: Well --

13 BY MR. REED:

14 Q. The packages had a lot of money in them,
15 right?

16 MS. FRETER: -- Judge, I ask that he be
17 allowed to finish his answer.

18 MR. REED: It's a yes-or-no question,
19 Judge.

20 THE COURT: Whatever he was saying, he
21 responded to the question. We heard his answer.
22 Next question.

23 BY MR. REED:

24 Q. You knew from this first Wisconsin stop that
25 there was a lot of money in those packages? Yes or

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1 no? Yes or no, sir?

2 A. I -- that much in the witness of the Lord God
3 about money, I had no information. I only know
4 that I am a courier driver; and if I were this much
5 partner of that individual, why would I be sitting
6 here?

7 Q. Stop. You saw the money, right?

8 A. Yes.

9 Q. Okay. So you knew there was a lot of money in
10 the packages, right?

11 A. Only one time.

12 Q. Okay. We'll get back to that.

13 Let me ask you about the people you worked
14 with.

15 A. Yes.

16 Q. Danny is your cousin who lives in Atlanta,
17 right?

18 A. Yes.

19 Q. You said yesterday you were only in Atlanta for
20 a week, right?

21 A. In that case I was two times in Atlanta. First
22 time I had traveled from Savannah to Atlanta. At
23 that time I did not have any vehicle or anything.
24 At that time later on, I was in Chicago, and I
25 obtain my license and car and everything, and after

PATEL - CONTINUED CROSS/REED

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1 that, six, seven months, I was.

2 Q. Right. So after you went back to Chicago and
3 you did this pickup -- these pickups in Wisconsin,
4 you went back to Atlanta, right?

5 A. Yes.

6 Q. Okay. You didn't tell us about that yesterday,
7 did you?

8 A. I don't remember that much.

9 Q. Okay. You were stopped by the police in
10 Wisconsin on December 2nd of 2022, right?

11 A. Yes.

12 Q. You stayed in a hotel in Wisconsin after you
13 got stopped, right?

14 A. Okay. They stopped me, and then after I was
15 released, I -- I had to stay in a hotel because I
16 did not want to do night driving.

17 Q. And after that, you went back to Clarksville,
18 Tennessee?

19 A. No, I had gone to Chicago.

20 Q. For a couple days, right?

21 A. Yes.

22 Q. We'll get back to this in a minute.

23 Abhishek, that's someone you met back in
24 India, right?

25 THE INTERPRETER: Sir, can you repeat your

PATEL - CONTINUED CROSS/REED

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1 question.

2 BY MR. REED:

3 Q. Abhishek is someone you met back in India,
4 right?

5 A. Yes.

6 Q. Danny knows Abhishek too, right?

7 A. Yes.

8 Q. And when you met with agents, you told them
9 Abhishek is the one who sent you to Indiana,
10 right?

11 A. Abhishek didn't tell me. Danny told me.

12 Q. You told the agents, though, that Abhishek was
13 also involved in the Indiana pickups, right?

14 A. I'm clarifying again right now here that I was
15 not -- I was not connected with anybody except
16 Danny.

17 MR. REED: Could we play Clip No. 4,
18 please, from Government's Exhibit 5.

19 (The video was played at this time.)

20 BY MR. REED:

21 Q. Do you agree that you told them Abhishek was
22 involved in the Indiana pickups, right? Yes or
23 no?

24 THE COURT: Slow down.

25 THE INTERPRETER: Hold on.

PATEL - CONTINUED CROSS/REED

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1 THE DEFENDANT: Okay. I swear on the name
2 of my God that when this interrogation was going
3 on, my mind was upset. I was more worried about my
4 mother who was sick and my child.

5 BY MR. REED:

6 Q. I'll move on.

7 You knew Danny and Abhishek before you
8 even left India, right?

9 A. I only know Danny more. Abhishek is a good
10 friend of Danny, and I had no personal relationship
11 with Danny that way.

12 Q. And a third name you gave the agents was
13 someone named Bharat; is that right?

14 A. Yes, the pickup name which comes -- his name is
15 Bharat.

16 Q. You also said you lived in Tennessee, right?

17 A. Who lived in Tennessee?

18 Q. You lived in Tennessee? Yes?

19 A. I had gone to.

20 Q. And in Tennessee there was someone named
21 Bharat, right? Well, just yes or no, sir.

22 THE INTERPRETER: He clarified there is a
23 total misunderstanding.

24 BY MR. REED:

25 Q. Same Bharat or different Bharat?

PATEL - CONTINUED CROSS/REED

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1 A. Because I don't know what you are referring to
2 that in Indiana. Now, my cousin's sister is there,
3 so I had gone there, and I don't remember all these
4 things. It is like how these women got defrauded,
5 I got defrauded by these individuals.

6 Q. The question I asked, sir: There was someone
7 named Bharat in Tennessee, yes?

8 A. No.

9 Q. You don't know anybody named Bharat in
10 Tennessee?

11 A. I don't know anybody, yes.

12 Q. Okay. After you were stopped in Wisconsin, you
13 went back to Chicago, right, but only for a couple
14 days, right?

15 A. About seven to ten days.

16 Q. Then you went to Clarksville, Tennessee,
17 right?

18 A. Yes.

19 Q. And then you went back to Atlanta, right?

20 A. Yes.

21 Q. And you were in Atlanta for December and
22 January and February, right?

23 A. Yes.

24 Q. And that's because the address on the license
25 that you gave the police officers in Wisconsin said

PATEL - CONTINUED CROSS/REED

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1 Illinois, right?

2 A. Yes.

3 Q. You didn't want them to be able to find you,
4 right?

5 A. No, and I did not have job at that time, and I
6 did not have any money then. That's why I had to
7 go to my cousin.

8 Q. Yesterday you were asked when you lived in
9 Atlanta, right?

10 A. Yes.

11 Q. You said one week, right?

12 A. That's when I had come in starting at that
13 time.

14 Q. But, in fact, you lived in Atlanta for three
15 months, right?

16 A. That is the next incidence.

17 Q. Okay. And you lived in Atlanta after you were
18 stopped in Wisconsin?

19 A. Yes.

20 Q. Then in March, you moved back to Chicago,
21 right?

22 A. Yes.

23 Q. You hadn't been --

24 A. Now I am trying to tell my facts here.

25 Q. Sir, answer my questions.

PATEL - CONTINUED CROSS/REED

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1 That's when you moved back to Chicago, in
2 March?

3 A. Yes.

4 Q. And then April 10 is when you went down to
5 Madison County for the first time, right?

6 A. Yes.

7 Q. It had been four months. You hadn't been
8 charged. It seemed safe to do it again, right?

9 A. I swear on my life that there is nothing -- a
10 claim like that, like I am innocent. I did not
11 know what was going on and I am getting accused of
12 anything.

13 Q. Okay. During your interview with agents, you
14 said the people you were working with were
15 dangerous people. You said that, right?

16 A. No, I didn't tell that.

17 MR. REED: Can we play Clip No. 5, please,
18 from Exhibit 5.

19 (The video was played at this time.)

20 MR. REED: Can you pause it there at the
21 end of the clip.

22 BY MR. REED:

23 Q. I apologize. You said they were very
24 dangerous, right?

25 MS. FRETER: Objection, Your Honor, as to

PATEL - CONTINUED CROSS/REED

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1 argumentative.

2 THE COURT: Overruled. It's
3 cross-examination.

4 BY MR. REED:

5 Q. You said they can do anything if someone says
6 something, right?

7 A. I want to clear it right now that my intention
8 to communicate to the officer was that they are
9 very smart people.

10 Q. You knew you were working with very dangerous
11 people, didn't you?

12 A. No.

13 Q. You said it though. Dangerous people? Yes or
14 no?

15 A. Can we replay that one time?

16 Q. Yes.

17 (The video was played at this time.)

18 THE DEFENDANT: Very smart, smart.

19 MR. REED: Pause it.

20 THE DEFENDANT: Not dangerous.

21 MR. REED: Okay. Pause it, please.

22 BY MR. REED:

23 Q. You knew these were very dangerous people who
24 can do anything if someone says something or taking
25 money from these old ladies? Yes or no?

PATEL - CONTINUED CROSS/REED

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1 A. Sir, I did not use the word "dangerous."

2 Q. But you did say they can do anything if someone
3 says something, right?

4 A. I don't understand anything, and Hindi is not
5 my native language.

6 Q. So the people you're talking about in this
7 clip, you knew that those people were the ones
8 taking the money from these older ladies, right?

9 A. I can't say that they were taking the money
10 from the ladies or not. I can't say what -- and
11 I'm not a God who can find out what is going on in
12 anybody's mind, whether it is you, the counsel, or
13 the jury, what they are thinking in their mind. I
14 am not God. Because everybody has different all
15 opinions and thoughts.

16 Q. I'll move on.

17 Let's talk a little bit more about this
18 interview. You said at the beginning of this
19 interview, quote, "It has nothing to do with me. I
20 didn't get anything"?

21 A. Yes.

22 Q. And you said, They had not paid the money even
23 once to me? You said that, right?

24 A. Yes.

25 Q. In fact, it was your own cousin Danny who got

PATEL - CONTINUED CROSS/REED

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1 you involved?

2 A. Yes.

3 Q. And when you went to Atlanta, Danny paid you,
4 didn't he?

5 A. Yes, he gave me money and the phone also.

6 Q. And you testified yesterday that you also got
7 paid by Zelle, right?

8 A. I have not say that I have received money
9 through Zelle. I had insisted to him that you have
10 to pay me by Zelle only.

11 Q. Danny paid you, right?

12 A. He had not paid me by Zelle. When I went to
13 his house, he paid me.

14 Q. So when you told agents that Danny had not paid
15 the money even once to me, that was a lie? Yes?

16 A. I had -- I have stated, in fact, that when I
17 went to Danny's place, he paid me.

18 Q. Okay. Danny paid you? Yes?

19 A. Yes.

20 Q. You told the agents he had not paid the money
21 even once to you, right?

22 A. Sir, one time was paid when I went to his
23 home.

24 Q. Okay. So when you told the agents you had not
25 been paid even once, that was a lie, right?

PATEL - CONTINUED CROSS/REED

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1 A. At that time my mind was involved with my son
2 and my mother's matters.

3 Q. All right.

4 A. Sir, if your mom is terminally ill and your son
5 is also going through hassles and you do not have
6 money in your hand, what would be your situation,
7 sir?

8 Q. Sir, sir, I ask questions.

9 A. And in 20 months happened, I have not talked to
10 my family members for the last 20 months in jail,
11 and I have not seen my son after that.

12 THE COURT: All right. You've gone beyond
13 answering the question he asked.

14 THE DEFENDANT: I apologize, sir.

15 THE COURT: So listen to his question and
16 answer the question that's asked. Your lawyer will
17 have the opportunity to ask you more questions to
18 allow you to further explain your answers or to
19 tell the jury things that you want them to know.

20 THE DEFENDANT: Sorry, sir.

21 BY MR. REED:

22 Q. Danny told you that you could take money out of
23 these boxes, right?

24 A. Yes.

25 Q. And you testified yesterday that you did not

PATEL - CONTINUED CROSS/REED

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1 take money out of the boxes; is that right?

2 A. Yes, it is fact.

3 Q. But you told the agents that you did take money
4 out of the boxes, right? Yes or no? Yes or no?

5 A. Sir, they were constantly interrogating me the
6 same questions, same questions and bombarding me,
7 so, oh, I just replied. That's it.

8 Q. Agents repeatedly told you to tell them the
9 truth, right? Yes or no?

10 A. Yes.

11 Q. Because you had not been telling them the
12 truth? Yes or no?

13 A. No, what there was -- they were the facts in
14 mind and that's only I said.

15 Q. You testified you flew from India to Canada in
16 December 2022, right?

17 A. Yes.

18 MR. REED: Pull out Government's Exhibit
19 79 -- oh, I'm sorry, Government's Exhibit 78.

20 BY MR. REED:

21 Q. You had this visa application prepared for you?
22 Yes or no?

23 A. Yes.

24 Q. You paid someone to prepare it for you? Yes or
25 no?

PATEL - CONTINUED CROSS/REED

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1 A. Yes.

2 MR. REED: Go down to page 11.

3 BY MR. REED:

4 Q. Is this actually your passport? Yes or no?

5 A. Yes.

6 Q. Okay.

7 MR. REED: And if we could, go down two
8 pages. Just scroll down.

9 BY MR. REED:

10 Q. This is the other part of your passport, yes?

11 A. Yes.

12 Q. And is this your actual address, like
13 residency?

14 A. Yes.

15 Q. You provided the person who prepared this
16 application with your passport or pictures of it?

17 A. Yes.

18 Q. Okay.

19 MR. REED: Go to the next page. The page
20 after that. Next page.

21 BY MR. REED:

22 Q. And this is your old passport, right? Yes?

23 A. Yes.

24 Q. So in fact, you know a visa is required to
25 enter another country, right?

PATEL - CONTINUED CROSS/REED

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1 A. Yes.

2 Q. And you've traveled to a number of countries
3 around the world?

4 A. Yes.

5 THE INTERPRETER: Don't say (inaudible)
6 Either say yes or no, please.

7 BY MR. REED:

8 Q. You obtained lawful status to enter those
9 countries when you did that? Yes or no?

10 THE INTERPRETER: Sir, please repeat the
11 question.

12 BY MR. REED:

13 Q. Sir, you obtained lawful status when you
14 entered those countries? Yes?

15 A. Yes.

16 Q. You went to Australia?

17 A. No.

18 Q. Okay.

19 MR. REED: Can we go down a page. I
20 believe it's page 20.

21 BY MR. REED:

22 Q. Your passport is stamped Australia? Yes or
23 no?

24 A. I want to say my statement here.

25 Q. Is the passport stamped Australia? Yes or no?

PATEL - CONTINUED CROSS/REED

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1 Is this, in fact, your passport?

2 A. Yes.

3 Q. Okay. You also went to South Africa?

4 A. Yes.

5 Q. Singapore?

6 A. Yes.

7 Q. So when you came across the border into the
8 United States, you knew you were breaking the law,
9 right?

10 A. When I enter, I did not know because I did not
11 know I was in U.S.

12 Q. You testified yesterday that someone named Jack
13 carried you across the border, right?

14 A. Yes.

15 Q. And you know people pay a lot of money for help
16 crossing the border like that, right?

17 A. I don't know.

18 Q. Are you claiming this guy Jack took you across
19 the border for free?

20 A. Yes.

21 Q. So after you broke the law by entering the
22 United States illegally, did you go to a police
23 station and turn yourself in?

24 A. No.

25 Q. Because you came to the United States to make

PATEL - CONTINUED CROSS/REED

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1 money, right?

2 A. No, I had no intention to money.

3 Q. Well, you testified yesterday that the reason
4 you came over to Canada and then the United States
5 was because you wanted to make money, right?

6 A. No.

7 Q. All right. I'll move on.

8 MR. REED: Could we go to page 27. Could
9 we look at the top left corner of this, please.

10 BY MR. REED:

11 Q. You told us that you do, in fact, live in the
12 Aalok Residency, right?

13 A. Yes.

14 Q. So this is your bank statement, right?

15 A. Yes.

16 Q. Okay. And on the bank statement, it says it's
17 your statement from -- and it's flipped, right, so
18 it's going to be June 1st of 2019 to December 9 of
19 2019, right? Yes?

20 A. Yes.

21 MR. REED: Let's go to the end of this
22 bank statement. It's page 33, and if we could look
23 at the bottom part in the bottom right where it
24 says debts, credits, closing balance.

25 BY MR. REED:

PATEL - CONTINUED CROSS/REED

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1 Q. Do you see that?

2 A. Yes.

3 Q. Total deposits in these six months are
4 8,228,227.91 rupees? Yes or no?

5 A. Can I give the actual details about this? Can
6 I say my situation here?

7 THE COURT: First answer his question.

8 BY MR. REED:

9 Q. Yes or no?

10 A. This I have not seen.

11 THE COURT: Okay.

12 BY MR. REED:

13 Q. You just told us this was your bank statement,
14 right?

15 A. I'm trying to tell you the facts, what are
16 they.

17 Q. Okay. Eight million rupees, this 8,228,227.91,
18 that that's about 95,000 U.S. dollars, right?

19 A. I do not know the counting because I'm poor in
20 mathematics.

21 Q. Okay.

22 MR. REED: Can we put up Government's
23 Exhibit 130 for the witness, please.

24 BY MR. REED:

25 Q. Okay. 8,228,227.91 U.S. dollars --

PATEL - CONTINUED CROSS/REED

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1 MS. FRETER: Wait, wait, wait. Can we
2 approach?

3 (Sidebar proceedings on the record.)

4 MS. FRETER: Judge, it appears that the
5 Government has a screenshot from Google that has an
6 exchange rate that when I look at it, it's undated.
7 This witness can testify as to what he believes
8 that the exchange rate or what it was worth in
9 2019, which is what the bank statement is, not from
10 an undated screenshot from Google. It's unfair to
11 show him a picture of Google and say this is what
12 the exchange rate is now without any further
13 information.

14 MR. REED: I did say roughly, Judge.

15 THE COURT: I don't know what the exchange
16 rate -- how significant a swing it was from then to
17 now. Does the Google thing have a date on it?

18 MR. REED: I don't recall if there is a
19 date, but I can provide one.

20 MS. FRETER: There's articles, Judge,
21 about how the Indian government has depreciated the
22 -- I mean, there is all kinds of stuff. He's
23 asking --

24 THE COURT: Okay. Where are we going with
25 this?

PATEL - CONTINUED CROSS/REED

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1 MR. REED: It's appropriate for redirect.

2 There's a lot of money in his bank account, Judge.

3 MS. FRETER: Well, Judge, he's testified
4 that after COVID happened, he had financial
5 problems and that's why he left, so this is
6 preCOVID. So, I mean, the Government can get into,
7 obviously, whatever it wants, but I think it's
8 unfair to show him an undated Google screenshot and
9 say this is what it was back in 2019 especially --

10 MR. REED: I'll move on, Judge.

11 MS. FRETER: -- especially considering the
12 language problems we've been having.

13 THE COURT: I'm trying to think of -- if
14 on direct, if you asked him why he came here.

15 MR. REED: He testified he was very poor,
16 Judge, and he --

17 MS. FRETER: And so, Judge --

18 THE COURT: Okay.

19 MS. FRETER: -- I'm just going to say
20 this, right -- and I know Mr. Patel is a very
21 rigid, literal thinker. If people recall, he
22 testified that he wasn't intending to go to Canada,
23 he was intending to go to somewhere else, and he
24 accidentally ended up here, which, whatever you
25 think about it, when the Government asked him, So

PATEL - CONTINUED CROSS/REED

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1 you came to Canada and the United States to make
2 money, I know, because I've spent time with him, in
3 his mind, his answer is going to be I didn't mean
4 to come to Canada, and I know it seems -- it's just
5 how he thinks.

6 MR. WEINHOEFT: I think really the
7 questioning for Mr. Reed, I think, is quite
8 limited. It is essentially this is a defendant's
9 own bank statement. He's suggesting that he was
10 poor and doesn't have any money, but he's got close
11 to --

12 THE COURT: Where did we get this?

13 MR. WEINHOEFT: -- he's got a whole lot of
14 money in his account.

15 MR. REED: It's attached to his visa
16 application on his phone, Judge. He's already
17 testified it's his bank statement.

18 MR. WEINHOEFT: It's his bank statement --

19 MS. FRETER: And --

20 MR. WEINHOEFT: -- on his phone --

21 MS. FRETER: And --

22 MR. WEINHOEFT: -- I think you should be
23 able to ask --

24 MS. FRETER: -- but Judge, he's --

25 MR. WEINHOEFT: -- him some questions

PATEL - CONTINUED CROSS/REED

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1 about his bank statement.

2 MS. FRETER: Judge, if I could or just --
3 I can deal with Mr. Reed or I can deal with
4 Mr. Weinhoef, but I'm having a hard time
5 responding to both sets of arguments.

6 THE COURT: Well, why don't you wait until
7 they finish talking, whoever is talking.

8 Now your turn.

9 MS. FRETER: Judge, Mr. Patel testified on
10 direct that he never turned in this visa statement,
11 it was on his phone, and we've established it was
12 from 2019. He also testified on direct that after
13 COVID happened in 2020, he ran into financial
14 troubles; and so if the Government wants to ask him
15 about the 8 million rupees that he had in his
16 account in 2019 and what the value of it was in
17 2019, he can give whatever answer he wants, and if
18 they want to prove up how he's lying about the
19 value of the rupee to the U.S. dollar in 2019,
20 fine; but my objection, while we're up here, is
21 they're showing him a screenshot, I'm going to bet,
22 from the last 12 months of the value of the U.S.
23 dollar compared to the rupee in 2024, which he
24 wouldn't know about because he's been confined.

25 THE COURT: Well, I'm trying to think if

PATEL - CONTINUED CROSS/REED

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1 the materiality -- how material is it that in 2019,
2 when he lived in India, there was \$95,000 that
3 passed through his checking account over a period
4 of -- six months?

5 MR. REED: Six months.

6 THE COURT: How is that material?

7 MR. REED: Judge, it's material because
8 the whole defense is he's poor. He didn't know
9 what was going on. In fact, as I've been asking
10 him, he knew all these people. He had a lot of
11 money. It was his turn to be in the U.S. I won't
12 ask it that way, but that's what's going on.

13 THE COURT: You want the jury to draw an
14 inference that this sophisticated scheme he was
15 making money on while in India or Australia or
16 Singapore?

17 MR. REED: I don't know where he was
18 getting the money, but it's a lot, Judge.

19 MS. FRETER: Years, Judge, before the
20 charge in this offense. I mean, I have made my
21 objection, but --

22 THE COURT: One more chance at how is it
23 material?

24 MR. REED: It's material, Judge, because
25 he's testified that his family was poor, and the

PATEL - CONTINUED CROSS/REED

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1 reason he did this is because he didn't have money.
2 He tells the agents, Go look at my bank statements.
3 So he has his bank statement in his phone, and
4 we're showing it to him.

5 THE COURT: All right. With respect to
6 the specific objection about what the value of the
7 rupee is, it's going to have to be -- if he doesn't
8 know what the exchange rate was --

9 MR. WEINHOEFT: You can ask him what the
10 value of a hundred thousand rupees is. That's
11 another way to go about it.

12 THE COURT: I just don't know, so --

13 MR. REED: I'll keep going, Judge.

14 THE COURT: Okay. So you have to live
15 with his answer unless you have -- now, if I rely
16 on a Google search, am I going to say that's
17 admissible, that that's proper foundation? There
18 are documents, there are records that I could rely
19 upon, take judicial notice of, what the value of
20 the rupee was as opposed to the U.S. dollar on
21 certain dates, but I don't know that a Google
22 search is one of them.

23 MR. REED: Okay.

24 THE COURT: All right.

25 (End of proceedings at side bar.)

PATEL - CONTINUED CROSS/REED

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1 THE INTERPRETER: He wants to say
2 something. I need to -- that's what --

3 THE COURT: No. Let's -- I don't know
4 what it is you're going to say, so let's just --
5 let's go through the questioning from the
6 Government and your attorney; and if necessary, I
7 can talk to you outside the presence of the jury on
8 a particular matter, but right now the formal
9 process is he gets to ask the questions and you
10 answer.

11 MS. FRETER: Your Honor, I would only ask
12 if the thing that Mr. Patel needs to say is if he
13 needed to use the restroom or if somehow we can
14 inquire that way. I don't know if that's what
15 that's about.

16 THE COURT: Were you needing a restroom
17 break?

18 THE WITNESS: No.

19 MS. FRETER: Thank you, Your Honor.

20 THE COURT: Go ahead.

21 MR. REED: 78, page 33 back up again,
22 please.

23 BY MR. REED:

24 Q. Sir, what can 100,000 rupees buy in India?

25 THE COURT: You're going to have to be

PATEL - CONTINUED CROSS/REED

Vol. 5 - 907

1 specific as to time.

2 BY MR. REED:

3 Q. In 2019?

4 A. For my three generations, there will not be any
5 problem. Then why I should be sitting here?

6 Q. Sir, my question was a hundred thousand rupees,
7 is that a lot or a little?

8 A. A lot.

9 Q. Okay. And this is 8 million rupees, right?

10 A. Yes.

11 Q. All right. You testified yesterday that you
12 worked as a handyman in 2019; is that right?

13 A. Yes.

14 Q. How much money does -- how many rupees did a
15 handyman make in 2019 per year?

16 A. I don't know much idea.

17 Q. Okay.

18 A. A family can run.

19 Q. Was it more than a hundred thousand rupees or
20 less than a hundred thousand rupees annually?

21 A. That is too much.

22 Q. Okay. So less than that?

23 A. Very less.

24 MR. REED: Okay. Can we put Government's
25 Exhibit 78, page 1, back up again.

PATEL - CONTINUED CROSS/REED

Vol. 5 - 908

1 BY MR. REED:

2 Q. You testified yesterday that this visa
3 application was not submitted to the Canadian
4 government. Is that what you said?

5 A. I have not work on it because I do not know how
6 to apply for it.

7 Q. My question was, Was this visa application
8 submitted to the Canadian government? Yes or no?

9 A. Yes.

10 Q. And so yesterday when you testified that you do
11 not have an MBA and have not worked at
12 PricewaterhouseCoopers and have not worked for
13 Accenture, Inc., all that information was submitted
14 to the Canadian government too, right?

15 A. That's that agent assigned, they do that
16 thing.

17 Q. But it's your visa application, right?

18 A. Yes.

19 Q. You provided all the paperwork, yes?

20 A. Not all but a few.

21 Q. Your passport and your bank statement?

22 A. Whatever was my facts or label, I provided.

23 Q. And you reviewed it because it was on your
24 phone, yes?

25 A. It was on my phone, but I don't know that much

PATEL - CONTINUED CROSS/REED

Vol. 5 - 909

1 English. I have not seen those in great detail.

2 MR. REED: Could we go back to page 27,
3 please. Zoom in on the top of that.

4 BY MR. REED:

5 Q. Your bank statement was in English, right?

6 A. Yes.

7 MR. REED: Okay. We can take that down.

8 We'll move on.

9 BY MR. REED:

10 Q. Let's talk about the first Indiana pickup.

11 MR. REED: If we could look at
12 Government's Exhibit 98, page 2.

13 BY MR. REED:

14 Q. So it's the middle of the night after you've
15 driven all the way to Merrill and back to Chicago,
16 right?

17 A. Yes.

18 Q. That's when you got the address for Indiana, at
19 about two o'clock in the morning?

20 A. Yes.

21 Q. Okay.

22 MR. REED: Exhibit 103.

23 BY MR. REED:

24 Q. You drove to Indiana that very night, right --
25 that very day?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 910

1 A. Early morning, yes.

2 Q. And when you got there, you took this
3 picture?

4 A. Yes.

5 Q. And you sent the picture to Danny or to KKT,
6 right?

7 A. Yes.

8 Q. KKT's number, it starts with a 9-1, right?

9 A. It is an India number. That much I can tell
10 you.

11 Q. That's all I'm asking. So it's an India
12 number, right?

13 A. (No response.)

14 Q. So it's light outside in this picture, yes?

15 A. Yes.

16 Q. So you can see the lady walking to your car,
17 yes?

18 A. Yes.

19 Q. But when the agents interviewed you, you told
20 them that you couldn't see her, right?

21 A. Because my attention was not to watch that
22 because I don't know anything about this matter.

23 Q. So you didn't look towards her when she's
24 coming to your car?

25 A. She was there, and some -- another gentleman

PATEL - CONTINUED CROSS/REED

Vol. 5 - 911

1 was also there.

2 Q. You saw that she was elderly, right?

3 A. Yes. There was walker -- or there was one
4 crutch, crutch with her, and one gentleman was
5 entering her residence.

6 Q. Okay. She had a walker, right?

7 A. She had crutches. A stick.

8 Q. And an oxygen mask?

9 A. That I did not know.

10 Q. Okay. But she had the walker or something --
11 she was supporting herself with something?

12 A. Yes.

13 Q. Okay. So you did see the lady in Indiana,
14 right?

15 A. Yeah, because I was there. It is a clear
16 matter.

17 Q. So when you told agents you had not seen her,
18 that was not true, right?

19 A. I'm not telling in that intention, but my
20 attention is not to watch that. I don't know what
21 this was going on all.

22 Q. Okay.

23 A. I realize when I got inside the jail.

24 Q. Okay. When she approached your car, did you
25 introduce yourself or make eye contact?

PATEL - CONTINUED CROSS/REED

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1 A. She did not ask and I did not talk.

2 Q. You just looked straight ahead? Didn't look at
3 her?

4 A. I did look at her.

5 Q. You heard her testify that aside from when you
6 pointed "the back," you looked straight ahead?

7 A. Those details I do not remember at this time.
8 When you are going in a car, there is nothing to
9 say that I'm intentionally looking this or that
10 way.

11 Q. This is the box with all the gold, right?

12 A. I didn't know anything.

13 Q. You opened the boxes and had to count them,
14 yes?

15 A. No.

16 Q. So now you're saying you did not open the
17 boxes?

18 A. No.

19 Q. You said earlier, though, that you did,
20 right?

21 A. Only once.

22 Q. Only once?

23 A. When they did not have my trust during that
24 money time.

25 Q. Could you repeat that?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 913

1 A. When that money matter, when they did not have
2 trust in me.

3 Q. They entrusted you with a lot of money, didn't
4 they?

5 A. How many -- how much currency was there, I had
6 no information about that.

7 Q. Okay.

8 A. You can look into my messages.

9 Q. I'll move on. When Danny wanted you to go to
10 Wisconsin that first time, you told Danny, I will
11 not do any package-related work, right?

12 A. Yes, package pertaining matter won't do.

13 Q. You told him, I will not do any package-related
14 work even though you were out of a job and needed
15 money, yes?

16 A. I don't remember those things.

17 THE COURT: I'm sorry? What was the time
18 frame you asked him about?

19 BY MR. REED:

20 Q. The first time you went to Wisconsin, before
21 that, you told Danny, I will not do any
22 package-related work?

23 A. That package means not something which is
24 illegal work. I won't do that because I don't know
25 anything -- anything here.

PATEL - CONTINUED CROSS/REED

Vol. 5 - 914

1 Q. Okay. My question was, Did you tell him that?

2 A. I am a courier driver.

3 Q. My question is: Did you tell Danny, I will not
4 do any package-related work?

5 A. Yes.

6 Q. Okay. But eventually, you changed your mind
7 and agreed to do it because you wanted the money,
8 right?

9 A. Package, I don't know. Only courier to be
10 picked up and handing over.

11 Q. That wasn't my question. After you told him at
12 the very beginning, I will not do any
13 package-related work, you changed your mind and, in
14 fact, did do package work, yes?

15 A. No.

16 Q. Okay. After these first two pickups, one in
17 Wisconsin and one in Indiana, you learned some
18 things about how this works, right? Some things?

19 A. It's courier work.

20 Q. Did you ask Danny why you're taking so much
21 money from older ladies?

22 A. No, I don't know anything.

23 Q. Did you ask Danny why these pickup requests
24 were coming in in the middle of the night from
25 India?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 915

1 A. Not -- I don't know.

2 Q. Did you ask Danny why there wasn't someone
3 closer than 240 miles away who could pick up a
4 box?

5 A. I don't know anything about that.

6 Q. Did you ask Danny why there were no receipts
7 for so much money?

8 A. In my life, I never thought about this. My
9 mind is not -- in there in this type of part.
10 My -- in my 44 years' life, nothing like that.
11 This is the first time I go this type of
12 experience, and I gave all this information to the
13 Indian government and the Indian consulate.

14 Q. Sir, sir, you will have a chance to talk when
15 your attorney comes back up.

16 Once you realized how much money these
17 women were handing you, did you ask them if they
18 were okay?

19 A. No, I had no intention and no -- I'm just a
20 courier driver. I had no intention to ask them
21 about anything.

22 Q. You didn't ask any of these questions, right?

23 A. No, I did not discuss those matters.

24 Q. So let's talk about what you did do. After you
25 went to Wisconsin and Indiana, you deleted the

PATEL - CONTINUED CROSS/REED

Vol. 5 - 916

1 pictures you took, right?

2 A. Yes.

3 Q. You deleted the videos you took, right?

4 A. I have deleted so many messages like that.

5 Q. You deleted the pictures of the dollar bills
6 from when you dropped off their money, right?

7 A. Yes.

8 Q. Did you decide on your own to delete all those
9 messages, or did Danny tell you to delete them?

10 A. Danny instructed.

11 Q. So you knew that Danny wanted those messages
12 deleted too, right? You knew Danny wanted to hide
13 what was going on too, right?

14 A. I do not know in this whole matter what is
15 going on, those people. My work is a courier
16 driver and I conducted that.

17 Q. Okay. But my question was: Danny told you to
18 delete the messages, so you knew Danny didn't want
19 those photos on your phone?

20 A. No. Those type of things he had not told me.
21 He just told it is not related to us, to delete
22 it.

23 Q. Could you repeat that?

24 A. It was not pertaining to our work, so delete
25 it.

PATEL - CONTINUED CROSS/REED

Vol. 5 - 917

1 Q. He told you to delete it?

2 THE COURT: Counsel, do you have a while
3 to go still?

4 MR. REED: Yes.

5 THE COURT: Why don't we take a -- we'll
6 give the court reporter a break, and let's take a
7 ten-minute recess, and we'll come back at 10:35.

8 (Recess at 10:24 a.m. until 10:36 a.m.)

9 COURTROOM DEPUTY: All rise.

10 THE COURT: Be seated.

11 BY MR. REED:

12 Q. Sir, before you did any of these pickups, you
13 told Danny, I will not do any package-related work,
14 right?

15 A. Won't do anything illegal.

16 MR. REED: Okay. Could we play Clip
17 No. 14 from Government's Exhibit 5.

18 (The video was played at this time.)

19 BY MR. REED:

20 Q. So you told him before that first pickup, I
21 will not do any package-related work, yes?

22 A. I don't remember all this. All I remember is
23 that I said, I'm not going to do anything
24 illegal.

25 Q. You said package-related work when you talked

PATEL - CONTINUED CROSS/REED

Vol. 5 - 918

1 to the agents, right?

2 A. I don't know about package but courier work.

3 Q. And you told him, I will not do that kind of
4 work -- package-related work, yes?

5 A. This work, I wouldn't know that. All I said is
6 I'm not going to do anything illegal, and he
7 assured me that it wouldn't be illegal.

8 Q. Okay. I'll ask you one more time, sir. You
9 said before you went to Wisconsin the very first
10 time, I will not do any package-related work? Yes
11 or no?

12 A. I don't remember that.

13 Q. Okay. You changed your mind though, right?

14 A. It's been three years now. I wouldn't remember
15 what was and what wasn't.

16 Q. You did, in fact, go and do package-related
17 work, right?

18 A. I didn't do any package-related work but
19 courier work.

20 Q. You went and saw that lady in Wisconsin, and
21 she gave you a package, right?

22 A. Not a package. That was courier.

23 Q. It was a box?

24 A. Courier.

25 Q. A box full of money, right?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 919

1 A. Courier.

2 Q. Okay. And then when you got back, you deleted
3 all the photos and videos connecting you to
4 Merrill, Wisconsin, right?

5 A. Yes.

6 Q. And you deleted all the photos and videos
7 connecting you to Indiana -- to Franklin, Indiana,
8 right?

9 A. Yes, he told me that.

10 Q. And after all that, you still went back to
11 Franklin, Indiana, a second time, didn't you?

12 A. Yes.

13 Q. You watched Vonda Lutz come out of that
14 building a second time?

15 A. Yes.

16 Q. By this time, you've opened at least one of the
17 boxes, right?

18 A. Now, I don't remember what was and what wasn't,
19 but yes, there was one box that he did not trust,
20 and he made me open that box.

21 Q. So by the time you went to Indiana the second
22 time, you knew there was money in the box?

23 A. Yes.

24 Q. So when that lady came to your car, the one
25 with the walker, right --

PATEL - CONTINUED CROSS/REED

Vol. 5 - 920

1 A. Yes.

2 Q. -- you didn't ask if she was okay, did you?

3 A. But I don't even know her. What will I talk to
4 her?

5 Q. You didn't ask her why she was handing over so
6 much money?

7 A. It's not my job to find out who's paying what
8 and for what reason and why that money is being
9 paid. I do not know. I had nothing to do with
10 this. I was only a courier driver. It may be for
11 some business or something like that. I also told
12 the lady.

13 Q. Sir, you keep going off and not answering my
14 question.

15 THE COURT: I think he responded.

16 MR. REED: Okay.

17 THE COURT: Move to your next question.

18 BY MR. REED:

19 Q. You drove off with her money that second time,
20 right?

21 A. Yes.

22 Q. Then you drove to Wisconsin a second time,
23 right?

24 A. Yes.

25 Q. You went to the very same house, right?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 921

1 A. I didn't go inside the house. I stood
2 outside.

3 Q. Yes, you parked on the street in front of the
4 same house, right?

5 A. Yes.

6 Q. And the reason you drove all the way up to
7 Merrill, Wisconsin, and parked outside the house
8 was to pick up another box of money?

9 A. Yes. Not box. Courier.

10 Q. So you park in front of the same house for more
11 money? Yes or no?

12 A. I don't know about money. Just courier.

13 Q. Okay. You knew there was money in the boxes,
14 right? Because you counted one?

15 A. I'm just a courier driver. I have nothing to
16 do with money.

17 Q. Okay.

18 A. And if that was the reason, why wouldn't I run
19 away with so much money? Why would I be working
20 honestly?

21 Q. They trusted you with a lot of money, didn't
22 they?

23 A. Yes, they trusted me. That's why they used to
24 give me the jobs.

25 Q. They trusted you to do their Wisconsin work?

PATEL - CONTINUED CROSS/REED

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1 A. Yes. Danny knows me and he trusts me, and he
2 knows that he, meaning me, have never done anything
3 wrong.

4 Q. You were the one they trusted in all these
5 three states: Wisconsin, Indiana, Illinois,
6 right?

7 A. Yes.

8 Q. And they trusted you with tens and hundreds and
9 thousands of dollars, right?

10 A. Yes.

11 Q. Okay. So let's go back to Wisconsin the second
12 time.

13 A. Okay.

14 Q. You went and parked outside of the same house a
15 second time, right?

16 A. Yes.

17 Q. You went there to get another package from the
18 same woman, right?

19 A. Sir, may I say this once more. Don't keep
20 saying parcel. I am just a courier driver.

21 Q. Same woman, right?

22 A. Yes.

23 Q. And you knew that the boxes contained money,
24 right?

25 A. All I know is that I'm a courier driver and

PATEL - CONTINUED CROSS/REED

Vol. 5 - 923

1 that's it.

2 Q. Okay.

3 A. Don't keep saying the same things in a
4 roundabout way.

5 Q. This is when you were stopped by the police,
6 right, in Wisconsin?

7 A. Yes.

8 Q. And you were on the phone with these guys when
9 you were stopped by the police, weren't you?

10 A. Yes, everyone seen that on video.

11 Q. Okay. And you turned on disappearing messages
12 in the group chat, didn't you?

13 A. I didn't do the group messaging thing. They
14 did.

15 Q. Okay.

16 MR. REED: Could we look at 86, please,
17 page 2, the second box from the top.

18 BY MR. REED:

19 Q. It says here, Nirav Patel turned on
20 disappearing messages, yes?

21 A. I don't know anything about that at this moment
22 because they continuously monitored me because they
23 did not trust me because they don't know me.

24 Q. You just said that they do trust you, right,
25 because they know you?

PATEL - CONTINUED CROSS/REED

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1 A. Danny trusts me, but the other guys, I don't
2 know them, and they're not going to trust me, and
3 they're going to keep monitoring me; and let me
4 tell you one thing, sir, that if it's your money
5 and you tell somebody to do this for me, your
6 friend, so obviously you would be taking care of
7 that and monitoring that.

8 Q. It says here you turned on disappearing
9 messages, yes?

10 A. Yes.

11 Q. Okay. You never did pick up the money, the
12 box, from the woman in Wisconsin this second time,
13 did you?

14 A. When the police stopped me, I don't know why I
15 was stopped.

16 Q. But you didn't get the money from Karen Endres
17 that second time, did you?

18 A. No.

19 Q. Because the police stopped you from picking up
20 the money that day, right?

21 A. Yes.

22 Q. So after the police stopped you, you knew you
23 were not supposed to pick up the box from that
24 lady, right?

25 A. The police knew that the lady was supposed to

PATEL - CONTINUED CROSS/REED

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1 give some money, but I don't know what they know.

2 Q. You went there to get a box with money,
3 right?

4 A. I went to get a courier.

5 Q. Okay. And you said the police knew she was
6 supposed to get -- that there was going to be a box
7 with money, right?

8 A. I don't know what they knew or they didn't
9 know.

10 Q. You just told us the police told you that this
11 lady -- that there was going to be a box?

12 A. I didn't -- I wasn't told anything about the
13 lady.

14 Q. You didn't get the money from her that day,
15 right?

16 A. I didn't take any money from her, but I did go
17 there for a courier.

18 Q. You went there to get a box, and you did not
19 get a box? Yes or no?

20 A. Yes.

21 Q. Okay. And the reason you did not get the box
22 is because the police stopped you from getting the
23 box, right?

24 A. Yes.

25 Q. And by then, you knew that that lady who lived

PATEL - CONTINUED CROSS/REED

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1 there did not want you to take her box, right?

2 A. No, I don't know that.

3 Q. Well, you went there to get a box, right?

4 A. I went to get a courier.

5 Q. You didn't get a box, and the police stopped
6 you from getting it?

7 A. I like to repeat this again, that I'm just a
8 courier driver. I have nothing to do with them or
9 anyone; and just as this lady was cheated, I too
10 have been cheated.

11 Q. It's not what I asked you. I asked you --

12 THE COURT: He answered the question that
13 he went there to get a box and he didn't get it and
14 the police stopped him. So don't ask that again.

15 MR. REED: Okay.

16 THE COURT: What's your next question?

17 BY MR. REED:

18 Q. The police knew you were there to get a box,
19 right?

20 A. Don't talk about the box. I'm just a courier
21 driver.

22 Q. Okay.

23 A. It's as simple as that. I'm just a courier
24 driver.

25 Q. Once the police stopped you, you knew she

PATEL - CONTINUED CROSS/REED

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1 didn't want you to take the box of money? Yes or
2 no?

3 A. I don't know what was going in the mind of the
4 police, and I had no knowledge of the fact that
5 this woman was giving me money for something.

6 Q. Did you tell police you had been to the same
7 house before and taken a box of money from the same
8 woman?

9 A. At that time no police personnel asked me this
10 question.

11 Q. But did you tell them that you had been to the
12 same place a week earlier and taken a box of money
13 from the same woman?

14 A. When I was stopped by the police, there was no
15 such conversation at all; and if there is a
16 recording, show me.

17 Q. So the answer is no, you did not tell them
18 that?

19 A. Correct.

20 Q. And you went back to Chicago without the box
21 you had gone for, right?

22 A. I did not go --

23 INTERPRETER: Excuse me.

24 THE DEFENDANT: I didn't go there that
25 day. I stayed in a hotel that day because I didn't

PATEL - CONTINUED CROSS/REED

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1 have any phone on me; and if I wanted to get home,
2 I needed directions.

3 BY MR. REED:

4 Q. You didn't get the box and you knew you were
5 not supposed to get the box? Yes or no?

6 A. Yes, I went to get a courier.

7 Q. This is when you go to Atlanta for three
8 months, right?

9 A. Yes, I didn't have a job at that time, and I
10 had no other way out. I had to pay rent and all
11 that.

12 Q. Danny lives in Atlanta?

13 A. Yes.

14 Q. Did you ask Danny why this woman had given you
15 a box of money?

16 A. I did have a complete discussion with him, and
17 I asked him what exactly is going on, tell me the
18 truth, and he said everything is legal, money is
19 legal, and we need not worry about anything, and he
20 told me that you need not be afraid.

21 Q. So when you were stopped by the police, that
22 made you think maybe something is not legal here,
23 right?

24 A. At that time I had no idea that they were
25 checking me for this reason.

PATEL - CONTINUED CROSS/REED

Vol. 5 - 929

1 Q. Okay. When you had that conversation with
2 Danny, you talked about that yesterday, right?

3 A. Yes.

4 Q. What you said Danny told you was, No one is
5 going to catch you, yes?

6 A. He told me very clearly that there's nothing to
7 be afraid of. This is legal money.

8 Q. That's not what I asked. I said he told you,
9 No one is going to catch you, right?

10 A. What was that?

11 Q. He said, No one is going to catch you?

12 A. Do you mean touch?

13 Q. No, I mean catch. That's what you said
14 yesterday. You said Danny told me no one is going
15 to catch you?

16 A. I don't understand what you mean by "test."

17 Q. Catch. Catch you like arrest or stop you,
18 catch you?

19 A. Yes.

20 Q. He told you that?

21 A. He said, Nobody can catch us in this. Nobody
22 will catch you in this.

23 Q. Because you were concerned after the police
24 stopped you that they might catch you, right?

25 A. No.

PATEL - CONTINUED CROSS/REED

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1 Q. Okay. This is when you left and went to
2 Atlanta for three months, right?

3 A. I didn't go out of fear to Atlanta because I
4 hadn't done anything wrong, so what should I fear?
5 The only reason was that at that time I had no
6 money and I had to pay rent, and I needed money.
7 Besides Chicago was very cold and I wasn't feeling
8 well, and you can have a look at my bank statement
9 at that time.

10 Q. And the address you gave to the police officers
11 in Wisconsin was your Illinois address, right?

12 A. They didn't ask me. I just showed my license,
13 and that was the address on the license because I'm
14 not able to verbally give out the address. I don't
15 really know which is Aurora or Chicago. I know
16 what Chicago but not the other things.

17 Q. Okay. Talk about a new topic. So before you
18 started doing -- picking up these boxes for Danny,
19 you testified you were delivering pizza; is that
20 right?

21 A. Yes, I was working in a pizza store.

22 Q. Were you delivering it?

23 A. Yes.

24 Q. Okay. So you're taking a pizza; you drive it
25 to a house; you give it to a customer? Right?

PATEL - CONTINUED CROSS/REED

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1 A. Yes. The pizza place would give me a pizza
2 with the address on it, and then I would type that
3 into my phone, and then reach that address and
4 deliver the pizza to customer.

5 Q. There's a record of the order? You know they
6 want pizza?

7 A. Yes. They would give a box that would have
8 pizza in it.

9 Q. So you know what the customer wanted, right?

10 A. I don't know what kind of pizza the customer
11 wants, but I do know the customer wants a pizza,
12 and sometimes there were other things besides the
13 pizza, and I was also working with Door Dash.

14 Q. Okay. Same deal with Door Dash, you're taking
15 food, and you're taking it to the customer who
16 wants the food, yes?

17 A. Door Dash would give me the address of the
18 store, I would go to the store, show them the
19 paper, then they would give me the food with the
20 address on it of the customer. I will go there and
21 deliver it, and it's just the same thing, courier
22 delivery. It's the same with Amazon.

23 Q. Did you ever drive 240 miles to deliver food
24 for Door Dash or the pizza company?

25 A. No. Obviously, that's not possible.

PATEL - CONTINUED CROSS/REED

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1 Q. You drive 10 or 15 miles? It's only a couple
2 of minutes?

3 A. Yes, but I used to do Door Dash all day.

4 Q. And when you're doing that or you're delivering
5 a pizza, you walk up and you give them the food,
6 right? The customer?

7 A. No. We had to take a picture of the customer's
8 door, and then submit that to Door Dash, and that
9 would indicate that our job was done, and then Door
10 Dash and the customer would have some conversation
11 showing that the food was delivered at the door and
12 that would be the end of the job, and I would be
13 paid for it.

14 Q. Okay. Let me ask it this way: You get out of
15 the car when you do Door Dash or pizza delivery,
16 right?

17 THE INTERPRETER: Excuse me. What was the
18 first part of the sentence?

19 BY MR. REED:

20 Q. You get out of the car and go up to their
21 house?

22 A. Yes.

23 Q. You walk up to the door?

24 A. Yes.

25 Q. You give them what they want, right?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 933

1 A. I would just give them the parcel, the food. I
2 do not know what they ordered.

3 Q. It's about serving the customer, getting them
4 their food, yes?

5 A. Yes, yes.

6 Q. And if you don't serve a customer well, the
7 customer can provide feedback on your job, right?

8 A. Let me clarify one thing out here. There have
9 been occasions when you have delivered the food and
10 I have delivered the food and yet the customer
11 complains that the food has not delivered. This
12 has happened to me with Door Dash.

13 Q. Right. So you can get good ratings from the
14 customer, right?

15 A. Yes.

16 Q. And you can get bad ratings, right?

17 A. Even if you do a good job, you can get a bad
18 rating. Same as I'm sitting here right now. I'm a
19 hundred percent honest when I'm sitting here now.

20 Q. So when you did these jobs for Danny, your
21 instructions came from India, right?

22 A. Yes.

23 Q. Never happened with Door Dash or pizza, yes?

24 A. Obviously not.

25 Q. And with these women, the request would come in

PATEL - CONTINUED CROSS/REED

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1 the middle of the night? It could be two or three
2 in the morning, yes?

3 A. Yes. I worked for Door Dash until 1 a.m. One,
4 two, and sometimes in the morning I've started at
5 4:00 a.m.

6 Q. Okay. So you get orders at night for both is
7 what you're telling me?

8 A. Yes.

9 Q. Fair enough. But with these ladies, you drove
10 hundreds of miles to get to their house, right?

11 A. I didn't get what you said.

12 Q. With these ladies, you drove hundreds of miles
13 to get to their house?

14 A. But let me make this clear: I don't know if
15 they were old ladies or whoever they were, but yes,
16 I was doing a courier job, and my job was to do the
17 pickups.

18 Q. You drove a really long way?

19 A. Yes, but I've driven 900,000 miles in India
20 too.

21 Q. Okay. And when you're doing Door Dash or
22 pizza, you're giving them food, right?

23 A. Yes.

24 Q. But here the old ladies are giving you boxes of
25 money, right?

PATEL - CONTINUED CROSS/REED

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1 A. Sir, let me tell you this, that I haven't asked
2 for anything. I am just a courier driver. What
3 they give me is their concern. I just being honest
4 about this whole thing. It's not like I asked them
5 for money.

6 THE COURT: He's a courier driver.

7 THE DEFENDANT: You're asking the same
8 questions, and my only answer is that I'm a courier
9 driver.

10 THE COURT: I'm sorry. I'm speaking right
11 now.

12 THE INTERPRETER: I'm sorry. I'm sorry.

13 THE COURT: I think that you've gone about
14 as far as you can go with that. If you are wanting
15 to go to the next step, that would be greatly
16 appreciated by the jury and myself.

17 MR. REED: Okay. I can move on, Judge.

18 BY MR. REED:

19 Q. The only way these ladies left feedback was by
20 calling the police, right?

21 A. What does that mean? I didn't get that.

22 Q. The question was: The only way they left
23 feedback --

24 MS. FRETER: I'm sorry. What was the next
25 word?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 936

1 BY MR. REED:

2 Q. The only way the old ladies could leave
3 feedback was by calling the police?

4 A. By calling the police, what exactly is that?

5 Q. Let's move ahead to Edwardsville.

6 You keep working with Danny even after the
7 police stopped you in Wisconsin? Yes or no?

8 A. Not at that time, no, but a long time later
9 when he came to Chicago, he talked about this,
10 yes.

11 Q. Okay. April of 2023 you keep working for Danny
12 and go get another package, yes?

13 A. I don't remember the dates and all that right
14 now, but yes.

15 Q. So Danny and this Bharat, right, they send you
16 to Edwardsville, yes?

17 A. Yes, but at that time I had made it clear to
18 them, I told them that I've had a bad experience
19 once, so just let me know that this is absolutely
20 fine, nothing illegal is going on with this.

21 Q. So you drive down to Edwardsville and park in
22 front of a house on the street, yes?

23 A. Yes.

24 Q. An older lady comes out of the house with a
25 box? Yes or no?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 937

1 A. Yes.

2 Q. She comes down to your car and puts it in your
3 car through the window? Yes or no?

4 A. Yes.

5 Q. It's the same as in Wisconsin, yes?

6 A. Yes.

7 Q. Same as in Indiana, yes?

8 A. Yes, everywhere.

9 Q. And by this point, the police have stopped you
10 in Wisconsin when you were doing this exact same
11 thing, right?

12 A. Yes.

13 Q. But you did it anyway, right?

14 A. But I trusted them, and I thought there was
15 nothing wrong in this.

16 Q. Well, that's not true. You told the agents
17 that you thought the people giving you jobs were
18 doing something wrong, right?

19 A. I would like to swear on God one more time and
20 tell you that I had no idea about this. I had no
21 idea what the lady was giving, why she was
22 giving --

23 MR. REED: Can replay --

24 THE WITNESS: -- because I am just a
25 courier driver.

PATEL - CONTINUED CROSS/REED

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1 MR. REED: Can we play Clip No. 15,
2 please, from Exhibit 5.

3 (The video was played at this time.)

4 BY MR. REED:

5 Q. That's what you said, yes? You knew they were
6 doing something wrong?

7 A. Yes, I just let you know that.

8 Q. Okay. But you wanted to get paid, right?

9 A. Yes.

10 Q. You didn't want to know the details, right?

11 A. The reason is that because the lady herself is
12 giving the money.

13 Q. And in fact, you didn't ask any of those
14 questions of Danny about how this thing worked, why
15 they were giving you money, all those questions I
16 asked you earlier?

17 A. No.

18 Q. Because you did not want to know?

19 A. Sir, this -- I never knew anything about this.
20 I came to know all these things and all these
21 details more because I came to this court. I had
22 no idea about this, and I've never done anything
23 illegal in my life.

24 MR. REED: Could we play Clip 16 from
25 Exhibit 5.

PATEL - CONTINUED CROSS/REED

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1 MS. FRETER: Wait.

2 (The video was played at this time.)

3 MR. REED: Can you pause it there.

4 BY MR. REED:

5 Q. Okay. So here you said, I did not keep contact
6 with anyone, right?

7 A. When was I arrested?

8 Q. I asked, you did not keep contact with anyone,
9 right?

10 A. Yes, that's what I'm trying to tell you, but
11 when is this about?

12 Q. Okay. I'm talking about when you went to
13 Edwardsville April of 2023.

14 A. This questioning is Edwardsville or Chicago?

15 Q. This questioning was in Schaumberg.

16 MS. FRETER: But Judge, if we could -- I'm
17 not sure if this is an impeachment. I don't -- if
18 we can restate the question that Mr. Reed is trying
19 to ask.

20 THE COURT: Let's do a sidebar.

21 (Side bar proceedings on the record.)

22 THE COURT: So how many more areas are you
23 going to get into?

24 MR. REED: I'm just about done, Judge. I
25 want to establish with this line of questioning

PATEL - CONTINUED CROSS/REED

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1 that there were specific things he chose not to do
2 because he thought they were doing something wrong.

3 THE COURT: He was obviously confused what
4 you were talking about. You showed a video of him
5 talking to the police in Schaumberg but then talked
6 to him about -- talked to the police in
7 Edwardsville. So I think the -- you're going to
8 have to clear up -- because there's a gap of, what,
9 three months or whatever. How big is the gap
10 between Edwardsville and Chicago?

11 MR. REED: About two months.

12 THE COURT: I would clean up --

13 MR. REED: I can do that.

14 MR. WEINHOEFT: April to June.

15 THE COURT: Because one could say that his
16 statements in June are, I don't do business with
17 them anymore because after that last time, I knew
18 they were up to no good. So if you're trying to
19 impeach him with these statements from June, let's
20 be fair to the guy; otherwise, we're going to hear
21 God, country and courier in the answer.

22 (End of proceedings at sidebar.)

23 BY MR. REED:

24 Q. Okay. In June of 2023 when you're talking to
25 the agents, you said, I did not want to give my

PATEL - CONTINUED CROSS/REED

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1 number to them anymore, yes?

2 A. After I was released 21 days later from jail, I
3 went to Chicago, I got a new number; and since
4 then, I did not give out my contact number to
5 anyone.

6 Q. Okay. So let's go back to April 10th, the
7 first time you went to Edwardsville, right? It
8 looks the same as in Wisconsin and Indiana,
9 right?

10 A. Yes, everything is the same.

11 Q. And this is when you took the victim's money to
12 the guy who lives by the wheel in Chicago, yes?

13 A. I was given.

14 Q. Yes, you went up to Chicago and gave him the
15 money, yes?

16 A. Yes.

17 Q. Okay. Then two days later, you deleted the
18 evidence from your phone connecting you to
19 Edwardsville and the money, yes?

20 MS. FRETER: Objection, Your Honor, as to
21 the word "evidence". Just deleted the pictures
22 or deleted, I mean --

23 MR. REED: I'll rephrase.

24 BY MR. REED:

25 Q. On April 12 you deleted the photos and the maps

PATEL - CONTINUED CROSS/REED

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1 and the video of the box connecting you back to
2 Edwardsville, yes?

3 A. I don't know because I had other messages, too,
4 that I deleted. I did delete, yes. That's true.

5 Q. Okay. Then ten days later on April 20th, you
6 drove all the way back down to Edwardsville, yes?

7 A. Yes, let me clarify this. I did go, but I did
8 not get a call from Danny, I got a call from the
9 other person, and then I immediately call Danny,
10 and I asked him, Why is this thing occurring so
11 frequently? What exactly is going on? And I
12 explicitly told him that day, Tell me what exactly
13 is going on. Is something wrong? Let me know. So
14 I asked for this clarification, and I went only
15 after that.

16 Q. When you met with these agents in June, you
17 told them you went down to Edwardsville to get an
18 estimate on some work projects at a woman's house,
19 yes?

20 A. Yes, and I was also told by him that apart from
21 this, there are some other projects, too, in the
22 house; and since I could not speak in English, he
23 said he first talk with them and let me know.

24 Q. You told them that, but you knew you were there
25 to pick up a package of money because you had gone

PATEL - CONTINUED CROSS/REED

Vol. 5 - 943

1 to the same house ten days before, right?

2 A. Let me clarify this as well. I don't know
3 anything without a map. So when I reached halfway,
4 I said, Why am I going on the same route as
5 earlier? So I'm not able to tell that it's the
6 same address by looking at the address; and when I
7 reach there, I saw that a police car had gone there
8 just before me. I saw that.

9 Q. You did not get out of the car when you got
10 there, right?

11 A. Right.

12 Q. And you didn't talk to the lady who came down
13 to your car, right?

14 A. No.

15 Q. So you didn't ask her about estimates for work
16 on her house?

17 A. Sir, the thing is, because of my English
18 problem, that person would talk to her and then let
19 me know what to do, and then I would talk to the
20 lady, and I'm not lying at all about this.

21 Q. This is when the police stopped you, right, in
22 Edwardsville?

23 A. Yes, I was arrested.

24 Q. And you're put in the back of the police car
25 for a while, yes?

PATEL - CONTINUED CROSS/REED

Vol. 5 - 944

1 A. Yes. Because the incidence occurred so
2 quickly, I had no idea what was going on.

3 Q. But those were your words, right, "first
4 time"?

5 A. I wasn't able to express myself properly in
6 English. It doesn't mean that this is the first
7 time, but this was the first time of an arrest, and
8 anyway, things were going on so quickly, I really
9 didn't know, and I was confused, and I was trying
10 in my own way to ask, Why? Why I was being
11 arrested? What's going on? So I had so many
12 questions in my mind at that time because all these
13 things happened so quickly, like, What's going on?
14 What's happening?

15 Q. You testified yesterday that by "first time,"
16 you meant first arrest? Yes or no?

17 A. It was my first arrest.

18 Q. But you also told the police this was an odd
19 job one time? Yes or no?

20 A. Sir, I don't know English very well at all.
21 How would I express myself properly and say what
22 exactly I want to say and convey to them my
23 thoughts?

24 Q. That wasn't my question. I asked, Did you say:
25 This was an odd job one time? Yes or no? Did you

PATEL - CONTINUED CROSS/REED

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1 say that?

2 A. It wasn't that I meant to say that, but I said
3 it.

4 Q. It was not one time? It was at least six
5 times? Yes or no?

6 A. At that time I didn't even think about that.

7 MR. REED: I have one more question,
8 Judge.

9 THE COURT: Actually, the lunches are
10 here, so we are going to break for lunch, and we'll
11 come back at 12:30. We'll do a 55-minute lunch,
12 all right?

13 Remember, you're not to talk about the
14 case, wait until you begin your deliberations, and
15 don't do any research or contact anybody outside
16 the courthouse. Enjoy your lunch.

17 (Lunch Recess at 11:35 a.m. until
18 12:37 p.m.)

19 (Jury present.)

20 THE COURT: Please be seated. We broke
21 for lunch. We were in the middle of
22 cross-examination of Mr. Patel.

23 Counsel?

24 MR. REED: Judge, we're satisfied. No
25 more questions from the Government. Pass the

PATEL - REDIRECT/FRETER

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1 witness.

2 THE COURT: Redirect?

3 THE INTERPRETER: He said can he clarify
4 something related to the bank currencies?

5 MS. FRETER: And this is Government's
6 Exhibit 78 if we could show it to the group.

7 **REDIRECT EXAMINATION**

8 BY MS. FRETER:

9 Q. Mr. Patel, this is Government's Exhibit 78.
10 You remember talking to the Government about it; is
11 that right?

12 A. Yes.

13 Q. And are these amounts in rupees?

14 A. Yes, in rupee currency.

15 Q. Okay.

16 A. No dollar.

17 Q. And this is your bank statement from 2019; is
18 that right?

19 A. Yes.

20 Q. And were you working in 2019?

21 A. Yes.

22 Q. And what happened to your job and your work
23 after COVID in 2020?

24 A. At that time my work was going on because my
25 cars were with the Government, and there was a big

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1 hospital. I was taking the hospitalists, picking
2 up and dropping.

3 Q. Okay. When you left India in 2022, did you
4 have this much money in your bank account?

5 A. Yes.

6 Q. Okay. Between 2019 and 2022, did you have more
7 expenses?

8 A. Yes.

9 Q. Okay. And would those expenses be reflected on
10 this 2019 bank account?

11 A. Yes.

12 Q. 2022 expenses, they're not on your 2019 bank
13 account, are they?

14 A. No, no, no.

15 Q. Okay. That would be on your -- you would have
16 bank records from later than 2019?

17 A. Yes, yes.

18 Q. Okay. In India were you -- how would you
19 describe -- compared to other people where were you
20 living, were you rich? Were you poor? Were you
21 medium? How would you describe it?

22 A. Middle class.

23 Q. Okay. That's fine.

24 Do you remember talking to the Government
25 about Australia?

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1 A. Yes.

2 Q. Why is there an Australian stamp on your
3 passport?

4 A. I had gone there, and I wanted to clarify
5 that.

6 Q. Okay. And what do you want to clarify?

7 A. Yeah, when he was discussing about --
8 the counsel was discussing about the amount, he was
9 talking about dollars, and how in India had
10 dollars, I had no dollars because India has rupee
11 currency.

12 Q. Okay. So --

13 A. That's what I wanted to clarify.

14 Q. Mr. Patel, this question-answer format is
15 frustrating to you. Is that fair to say?

16 A. Yes.

17 Q. Okay. But you understand that that's the
18 rules, and they're there for good reason, right?

19 A. Yes.

20 Q. Okay. So let's try to answer -- my question is
21 about Australia. Are you with me?

22 A. Yes.

23 Q. Why was the Australian stamp on your
24 passport?

25 A. Because I had gone there. That's why.

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1 Q. Okay. When did you go to Australia?

2 A. That much I don't remember that, but I had
3 music-related work so I had gone there.

4 Q. I'm sorry. I don't understand.

5 A. That much I don't have much in remembering, but
6 I had music-related business, so I had gone
7 there.

8 Q. Okay. When you left India, were you trying to
9 go to Canada or the United States or somewhere else
10 in 2022?

11 A. No, I had only gone to Canada, and then I did
12 not go to any other place.

13 MS. FRETER: Okay. And Jackie, we can
14 take this down.

15 BY MS. FRETER:

16 Q. Can you tell me in your mind what the
17 difference is between if you knew something or
18 you -- let's do it this way.

19 If I say do you suspect something, do you
20 know what that means?

21 A. No.

22 Q. If I ask you if you're pretty sure about
23 something, what does that mean?

24 A. What? I did not understand.

25 Q. If I ask you do you know something, what do you

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1 mean -- when I say, "Do you know something," what
2 does that mean to you?

3 A. I would say yes.

4 Q. Okay. Can you describe what it means to know
5 something. What does that mean?

6 A. Yes.

7 Q. Okay. What the Government was -- not to speak
8 for Mr. Reed. What he was trying to get at is that
9 when you're picking up these -- when you're picking
10 up items from these elderly ladies that you should
11 have known by all the circumstances that it was
12 wrong and that the Government is saying because
13 they were elderly and because it was somebody
14 sticking stuff in the back of your car and that you
15 were driving so far away, that that should have let
16 you know that what you were doing was wrong. So
17 what do you have to say about that?

18 A. I want you know that I don't have any facts
19 about any ladies. I don't know whether they are
20 lady or a gent. I don't know. I thought that they
21 maybe their husband or son must have called that,
22 Okay, if somebody comes, hand it -- this over to
23 them. I did not have any details pertaining to
24 whether that person had money or any other items.
25 In any of the calls, I had not that type of

1 discussion over the phone.

2 Q. When you start to think something is wrong and
3 you ask Danny about it and he tells you it's fine,
4 why do you believe him even though all this other
5 weird stuff is going on?

6 A. That's the reason that there are so many
7 Indians do business here, and they may have so many
8 friends over there here, so there may be some
9 contradiction of the activities, and there are so
10 many held partnership businesses. They may have
11 several stores, grocery stores, and they may have
12 done some partners in business and they have
13 something to do with that.

14 Q. And I'm going to stop you because you're not
15 understanding my question.

16 Why do you believe Danny's explanation to
17 you?

18 A. Because I knew that he would not -- he would
19 not do this type of work and that.

20 MS. FRETER: Okay. I don't have anything
21 else.

22 MR. REED: Nothing else, Judge.

23 THE COURT: All right. Do you have any
24 other witness or evidence you're going to present?

25 MS. FRETER: No, Your Honor. Defense

1 rests.

2 **DEFENSE RESTS**

3 THE COURT: Any rebuttal?

4 MR. REED: No, Judge.

5 THE COURT: All right. Ladies and
6 gentlemen, we are going to move to closing
7 arguments but will take a little bit to get things
8 set up. So instead of having you here and watch us
9 get all the equipment set up, why don't we take
10 a -- we'll take a recess. We'll come back at one
11 o'clock, and we'll start closing arguments, all
12 right?

13 COURTROOM DEPUTY: All rise.

14 (Jury out at 12:51 p.m.)

15 THE COURT: All right. Counsel, you want
16 to get some objections on the record.

17 MS. FRETER: I do, Judge. I don't know if
18 the marshals want to move Mr. Patel or --

19 THE COURT: They can do that now.

20 MS. FRETER: So Judge, while they're doing
21 that, at this time I would like to move for a
22 judgment of acquittal at the close of all the
23 evidence in that the Government has failed to make
24 a submissible case on each and every element of the
25 offense charged and incorporate all of my previous

1 arguments.

2 THE COURT: Well, he admitted that he's
3 here illegally, so do you want to respond?

4 MR. REED: Judge, I just rest on what I
5 said earlier. I think the evidence is more than
6 sufficient to submit it.

7 THE COURT: Motion is denied.

8 MS. FRETER: Judge, for the record, the
9 Southern District of Illinois uses a system called
10 JERS in order to electronically transmit exhibits
11 to the jury during deliberations. Accompanying the
12 JERS is an Excel spreadsheet that contains
13 descriptions of what the exhibits are to assist the
14 jury in finding those exhibits. The Government
15 provided me and the Court with the JERS Excel
16 spreadsheet and has updated it throughout the week.

17 I have objections to the language of some
18 of the lines of the JERS sheet that I have not been
19 able to resolve with the Government. They stand on
20 what they've written. I'd like to read into the
21 record to the objections that I have to the
22 particular lines along with what I believe a more
23 neutral explanation would be, particularly as it
24 relates to descriptions that include elements that
25 the Government needs to prove in their case.

1 And so at Line 2, the Government's
2 description is, "V.B. check at Busey Bank sending
3 electronic signal from Illinois across state
4 lines." I would request that it delete "from
5 Illinois across state lines."

6 At Line 3, the description is "V.B.
7 withdrawal at U.S. Bank sending electronic signal
8 from Illinois across state lines." I would request
9 that "across state lines" be deleted.

10 Line 4 says, "Immigration search return
11 showing no record of legal entry." I would request
12 that it say "immigration search return".

13 THE COURT: Are those your only four?

14 MS. FRETER: No, Your Honor. I'm
15 scrolling down.

16 On the JERS I received today, it still
17 shows Item 44, which are the handwritten notes of
18 K.E. I don't believe those came into evidence.

19 THE COURT: Handwritten notes of K.E.?

20 MS. FRETER: Yes, that's Line 44.

21 THE COURT: What do you have, Jackie?

22 MR. REED: We sent you the whole list.

23 THE COURT: All right. So --

24 COURTROOM DEPUTY: They have not come into
25 evidence, so it's not going to go back -- well,

1 it's not going to say that.

2 MS. FRETER: So then I request it be
3 removed from the JERS.

4 THE COURT: So if it didn't come in, then
5 you would -- at Line 44 just put reserved because
6 that's what you have with the -- I thought they
7 were offered as a group, like 41 through --

8 COURTROOM DEPUTY: But when it gets
9 released, that's not a released exhibit.

10 MS. FRETER: They have other numbers, I
11 think, like 75 or 76 that were reserved on the
12 Excel sheet. I think that we're just asking that
13 they edit the sheet so that 41 says "Reserved"
14 instead of "handwritten letters."

15 THE COURT: And that's what I just said.

16 MS. FRETER: Yeah.

17 On Line 73, it says, "Victim V.B.'s phone
18 calls with messages with scammers and with
19 Coinhub." I would request it just say, "Victim
20 V.B.'s phone calls and messages."

21 THE COURT: What's your response,
22 Government?

23 MR. WEINHOEFT: As to point by point or
24 the last point that was made, Your Honor?

25 THE COURT: Describing Exhibit 73 as

1 Victim phone calls and messages with scammers and
2 with Coinhub?

3 MR. WEINHOEFT: I think it's, first of
4 all, not in any way prejudicial to the defendant
5 because there's no question he was not a
6 participant in either of those. If the jury wants
7 to find, you know, the phone records that shows --
8 you know, what the substance was as it relates to
9 the Coinhub evidence, that is the only way for them
10 to be able to find it, and that's -- that's who
11 she's communicating with. Some of the messages
12 come from Coinhub; some of the messages come from
13 whoever the overseas scammer is. It's accurate.
14 It helps the jury find relevant evidence if they
15 need it, and it doesn't prejudice the defendant.

16 THE COURT: Overruled.

17 COURTROOM DEPUTY: I have a question,
18 though. Are we changing these, because I thought
19 she was just making her objections for the record?
20 I have not changed anything except that reserved
21 one.

22 THE COURT: I'll get to the first four in
23 a little bit.

24 COURTROOM DEPUTY: Okay.

25 THE COURT: I'm denying the objection as

1 to 73.

2 Next one, please.

3 MS. FRETER: Line 130, I believe, based on
4 the description, I think that that is the Google
5 sheet that did not come into evidence.

6 THE COURT: I don't have any --

7 COURTROOM DEPUTY: That was added last
8 night as a possible exhibit today.

9 THE COURT: 130 is what?

10 MS. FRETER: It says, "8,228,227.91 rupees
11 to U.S. dollars" is the description.

12 THE COURT: Oh. They didn't offer it.
13 "Reserved."

14 Any other ones?

15 MS. FRETER: Line 131 says, "Photo Re:
16 Patel possession of firearm."

17 THE COURT: I don't see that on mine.

18 COURTROOM DEPUTY: 130, 131, 132 were
19 added today in case they wanted to use them. None
20 of them came in, so I have them all as reserved.

21 THE COURT: All right. So it will still
22 say, "Reserved."

23 MS. FRETER: And then the same for 132.

24 THE COURT: Same ruling.

25 MS. FRETER: Line 152, "Patel's Illinois

1 iPhone April 10 photo showing Patel on his way to
2 Edwardsville." I request that it just say,
3 "Patel's IL phone April 10th photo."

4 THE COURT: Overruled.

5 MS. FRETER: On Line 153, it says "Patel's
6 Illinois phone April 10th Photo No. 1 of Bryan's
7 box in Patel's vehicle." I would request that it
8 say, "Patel's Illinois iPhone April 10 Photo No. 1
9 of Bryan's box."

10 THE COURT: Granted. Take out, "in
11 Patel's vehicle" -- wait, wait, wait.

12 No. Because aren't there other photos of
13 Bryan's box?

14 MR. WEINHOEFT: There are.

15 THE COURT: And some of the photos are not
16 in the vehicle or in Bryan's home or table?

17 MR. WEINHOEFT: That's correct.

18 THE COURT: So objection is overruled.

19 Next one.

20 MS. FRETER: Okay. So Your Honor, that
21 same objection would be for Lines 154, 155, 156 in
22 that it was a -- it was testimony of the officer
23 that the boxes appeared to be the same or they
24 believed that they were the same -- or no, this is
25 Bryan's box. Anyway, same objection.

1 THE COURT: Overruled.

2 Do you have more?

3 MS. FRETER: Sorry, Your Honor.

4 THE COURT: You have more?

5 MS. FRETER: 160, this is April 20th
6 picture showing Patel on his way to Edwardsville.
7 Again, I would request --

8 THE COURT: I just ruled on that one. Did
9 you say 160?

10 MS. FRETER: 160.

11 THE COURT: I ruled on that. Overruled.

12 MS. FRETER: You ruled on 152.

13 THE COURT: Okay. The same ruling as to
14 152 to 160. That objection is overruled.

15 MS. FRETER: I have nothing further.

16 THE COURT: With respect to the objection
17 for 1 -- I'm sorry, objection to 2 and 3, I'll
18 grant that. Just delete "across state lines."

19 Objection No. 4 is a fair representation
20 of description of the exhibit, so I'll overrule the
21 objection.

22 MS. FRETER: Thank you, Your Honor.

23 THE COURT: All right. How long do you
24 intend to take for closing?

25 MR. WEINHOEFT: It's going to be a little

1 lengthy. I can't tell you specifically.

2 THE COURT: All right. Who is closing?

3 MR. WEINHOEFT: What's that?

4 THE COURT: Who is giving the closing
5 argument?

6 MR. WEINHOEFT: I'm going to do the open
7 close. Mr. Reed is going to be rebuttal. I'm
8 going to try to be around an hour. I'm going to do
9 my best. There's a lot to get through.

10 THE COURT: Anything else before we bring
11 the jury in?

12 MR. WEINHOEFT: If I can get my computer
13 set up, I have a PowerPoint.

14 THE COURT: All right.

15 (Jury present at 1:09 p.m.)

16 THE COURT: All right. Ladies and
17 gentlemen, all the evidence and testimony is in,
18 been presented, and we are at that point where the
19 parties get to make their closing arguments to you.
20 Because the Government has the burden of proof, it
21 goes first. The defense then gets the opportunity
22 to argue its side, and the Government then gets
23 what's known as rebuttal to respond to the
24 arguments of the defendant.

25 This is the opportunity of the lawyers to

1 tell you what they believe the evidence has shown
2 and -- but their arguments are not evidence. The
3 statements they make are not evidence, and
4 ultimately, you are to rely on the evidence, so
5 listen intently.

6 And with that, Counsel.

7 MR. WEINHOEFT: Thank you, Your Honor.

8 May it please the Court, counsel, ladies
9 and gentlemen, as you noticed, each time Judge
10 McGlynn walks into the courtroom, we stand for him,
11 and we do that because we're paying respect to the
12 Judge for his position as the judge in this case.
13 He rules on evidentiary objections. He's going to
14 instruct you as to the law to be applied in the
15 case, and so we stand to respect that position; but
16 you've also noticed that each time you walked in
17 and out of this courtroom, we also stand for you,
18 and we do that because we're showing respect to
19 your position as judges also. Because as Judge
20 McGlynn is the judge of the law, you, and you
21 alone, are the judges of the facts. It is your job
22 to determine what happened, to determine what's
23 true, to assess the evidence and to weigh the
24 credibility of the witnesses, and that means all
25 the witnesses.

1 A defendant has an absolute right not to
2 take the witness stand, not to testify and not to
3 make a statement; but if he chooses to do so, you
4 can assess his mannerisms, the manner in which he
5 testified, the believability and credibility of
6 what he said, the sincerity, his evasiveness just
7 like you would any other witness; and if you
8 believe that the witness was untruthful, it's
9 additional evidence of their guilt. So it's your
10 job to determine what's true and what the facts
11 are, and that's a critically important job.

12 This case is important. We have to get it
13 right, and we can't have a just verdict unless it's
14 based on the truth and it is based on the facts.
15 So how do we do that? How do we find out? How do
16 we determine what's true? Well, during jury
17 selection, we talked about that a little bit. Each
18 of you were told and asked if you would apply your
19 common sense to the case, and, folks, that is the
20 beauty of the American jury system. It relies on
21 the collective common sense of 12 people who bring
22 their life experiences to bear, to look at the
23 totality of the case and the totality of the
24 evidence and to decide what's true, and so I'm
25 going to break my closing argument up kind of

1 really into two parts.

2 One, I need to go through the charges with
3 you. At this point it's time to talk about the
4 law, so we've got to spend a pretty healthy amount
5 of time in the first half talking about what the
6 law is, and then we're going to move a little bit
7 more into the details, into the facts. So that's
8 where we're going.

9 The defendant has been charged with five
10 offenses. He's been charged with five counts.
11 He's been charged with conspiracy to commit wire or
12 mail fraud, he's been charged in Counts 2, 3 and 4
13 with what we call substantive wire fraud --

14 (Interruption by court reporter.)

15 MR. WEINHOEFT: Counts 2, 3 and 4; and
16 Count 5 being illegal entry into the United States.
17 Each crime, each charge is to be considered
18 separate, and each charge has certain things that
19 the Government is required to prove. We call those
20 elements, and I anticipate how the Judge is going
21 to instruct you, and we're going to go through what
22 those elements are.

23 I expect that the Judge is going to
24 instruct you that to prove conspiracy to commit
25 wire fraud that there are two things that the

1 Government has to prove. Everyone here has
2 probably heard the term "conspiracy" before and
3 things like that, and we all have our own ideas of
4 what that means, but the Court is going to tell you
5 legally what a conspiracy is, and it means two
6 things. The first thing is that the conspiracy as
7 described in the indictment existed, that the
8 conspiracy existed; and second, that the defendant
9 became a member of that conspiracy with an intent
10 to further it. The conspiracy existed; defendant
11 became a member of it to further it. Those two
12 things. That's what a conspiracy means as charged
13 in this particular case.

14 So we're going to take those two elements
15 one at a time, all right? We're going to start
16 first with the conspiracy. What is a conspiracy?
17 The essence of any conspiracy is an agreement. Law
18 school 101 stuff, a conspiracy, the essence of it,
19 is an agreement. It's an understanding between
20 people -- it's kind of a meeting of the minds if
21 you will, and it's an understanding, or an
22 agreement, to do something unlawful. Now, as you
23 might expect, the law doesn't require the
24 defendants to be legal scholars. They don't have
25 to know to agree to violate the particular

1 statutes, they don't have to agree like that; and
2 as you might also expect, an agreement doesn't have
3 to be expressed.

4 It would be a very rare crime if Mr. Reed
5 and I decided to go knock off a bank -- I'm going
6 to make you a bank robber -- forgive me, Mr. Reed;
7 but if we're going to commit a robbery together, we
8 probably wouldn't say, We hereby agree on this
9 particular date that we are going to engage in this
10 particular robbery at this particular date and
11 time, and that's just not how things work in the
12 real world, right? We have a conversation, say,
13 Hey, you want to get some money? You know, he
14 looks at me. We look at each other. We've got an
15 understanding between ourselves, and that's a
16 factual question for a jury to always resolve. Is
17 there an understanding between multiple people to
18 engage in something that's illegal? That's what a
19 conspiracy is.

20 In determining whether an agreement and a
21 conspiracy exists, you can look at all of the facts
22 and all of the circumstances involved in the case
23 to determine whether or not that agreement existed.

24 So let's start with a really easy one
25 here. There is no doubt whatsoever that there is a

1 conspiracy in this case. We have an international
2 conspiracy, quite frankly. We have multiple
3 callers, and we start from the fact that we have
4 Noah is a caller, we had Timothy is a caller, and
5 we had -- forgive me, I'm blanking on the names --
6 there is a third caller as well. I just can't
7 remember it as I stand here right now. We had at
8 least three callers. We had multiple people
9 involved in the picking up of the money and sending
10 money back and forth in places. You've got folks
11 overseas. We have people involved moving money
12 over bitcoin. There is just no doubt this is an
13 international fraud scheme, period. That part is
14 easy. We know that a conspiracy exists.

15 We also know in this case that it's a
16 conspiracy -- the next charge you've got to find it
17 was either mail fraud or wire fraud. In this case,
18 it was both. It's super easy. There is wires all
19 over the place in this case. We've got bitcoin
20 itself going back across the world. We have phone
21 calls from Illinois, Indiana, Wisconsin. We've got
22 bank transfers going back and forth. There are all
23 sorts of wires involved in this agreement.

24 And in mail fraud, mail fraud applies not
25 only to something you put a stamp on and put in

1 U.S. mail, but mail fraud also applies to
2 interstate commercial carriers. Well, that's UPS.
3 That's FedEx. That's things like that. There were
4 at least three packages that were shipped UPS that
5 you heard about.

6 So clearly, we have a conspiracy in this
7 case. Clearly, it's a conspiracy for mail and wire
8 fraud, so really that first element, the conspiracy
9 to commit mail and wire fraud existed, can be
10 disposed of in about 30 seconds. It's not even a
11 question.

12 Here the is second element. What does it
13 mean to become a member of a conspiracy? And I
14 anticipate that the Court is going to instruct you
15 that a conspiracy may exist even if a conspirator
16 does not agree to commit or facilitate each and
17 every part of the substantive offense.

18 What's that mean in the real world? Let's
19 go back to my bank robber example. Let's say the
20 only evidence we have is a few people decide to get
21 involved in the bank robbery, right? One stakes
22 the place out, lets his buddies know when security
23 is around. They show up at the bank together. One
24 is the getaway driver, one stands security at the
25 door, another one controls customers inside the

1 bank while the fifth one pulls out a gun, puts it
2 to the teller's face, takes money from the bank.

3 Well, guess who's guilty? All of them.
4 All of them. Because they each had a different
5 role. There's an agreement, there's an
6 understanding that we're involved in something
7 illegal, we each had our role. The getaway driver
8 doesn't have to have the gun in his hand; but under
9 the law he may as well have because under the law
10 if you're in for a penny, you're in for a pound.

11 Joint criminal conduct means that
12 accomplices are responsible for one another. It's,
13 quite frankly, just that simple, and the
14 highlighted portion is really important, and I
15 expect that the Court will instruct you as such.
16 If coconspirators have a plan, if there is an
17 agreement and an understanding that certain people
18 will perpetrate the crime -- kind of like our gun
19 in the bank robber situation -- and other people
20 provide support, those supporters are just as
21 guilty as the perpetrators, okay; and that's what's
22 meant by accomplice liability, and you've probably
23 heard all kind of different words about it, but it
24 simply means when you're involved in a conspiracy
25 and you agree to participate in something that you

1 know to be illegal, in for a penny, in for a pound.

2 And in this particular conspiracy, there

3 is no question whatsoever that this defendant

4 performed an invaluable service to the conspiracy.

5 All of the calls, all of the emails purportedly

6 coming from the Federal Trade Commission or

7 Treasury Department, all of the phone calls from

8 the scammers pretending to be federal agents

9 hustling victims, all of those efforts are

10 worthless unless you can get the money from the

11 victim to the bad guys, and that's this guy's role.

12 He said -- if he said it once, he had to

13 have said it a hundred times. "I was a courier. I

14 was a courier," to which we say, "Yes, you're darn

15 right. He was the courier." That's his role in

16 this scheme. He's the pickup guy. He is the guy

17 going and collecting the money that is the proceeds

18 of this conspiracy and this fraud scheme. He is

19 one of the supporters. Yes, that's his role. No

20 one has ever alleged he was the guy on the phone.

21 No one ever alleged that he was sending Bitcoins

22 somewhere. Different people have different roles

23 in this particular enterprise. His role in this

24 enterprise was to pick up money, period. It's just

25 that simple.

1 So quite literally, the only question we're
2 down to is this question of, Did the defendant know
3 he's involved in something shady? Does he know --
4 has he signed up for participating in something
5 that's illegal, and we'll talk a lot more about his
6 knowledge when we get into the facts of the case,
7 but I do want to talk about the remaining charges
8 and finish our discussion on the law before we get
9 in and spend all of my time on his knowledge.

10 Let's talk about Counts 2, 3 and 4. They
11 are substantive wire fraud counts. I bring notes
12 up here and walk around and wind up four or five
13 pages away from where I started. I apologize.

14 Counts 2, 3 and 4, substantive wire fraud,
15 okay? There are four things the Government is
16 required to prove. The conspiracy, we had to prove
17 two things. For Counts 2, 3, and 4, there is four
18 things that the Government is required to prove,
19 and I anticipate the Judge will instruct you
20 accordingly.

21 One, the defendant knowingly participated
22 in a scheme to defraud as described in the
23 indictment. In this case, the scheme to defraud is
24 really synonymous with the conspiracy. It's the
25 same -- it's the same fraud scheme. It's just a

1 little bit different language under little bit
2 different laws, but it's the same idea. There is
3 an organized scheme, a collection of people working
4 together, and, in this case, to use interstate
5 wires.

6 So first, the defendant knowingly
7 participated in the scheme, that he did so with the
8 intent to defraud. The scheme to defraud involved
9 materially false representations or pretenses;
10 meaning, the victims were tricked; and fourth, for
11 the purposes of carrying out that scheme, the
12 defendants caused interstate wire communication to
13 take place as charged in the indictment.

14 So we're really back to the same issue
15 again when we start assessing these wire fraud
16 counts. I'll go through the substantive wires and
17 make sure we're clear on that, but we're back to
18 what did the defendant know and what did the
19 defendant intend. That's really the essence here
20 on the elements in Count 1 and the elements in 2
21 because there is no question that there is
22 materially false representations that exploit these
23 victims. They departed with money because they had
24 materially false representations made to them; but
25 again, I expect you to receive an instruction, and

I highlighted it because it's important; and in the same way that in an accomplice liability, you're in for a penny, you're in for a pound, that same principle applies to Counts 2, 3 and 4. The defendant doesn't have to be the one to personally send the wire transfer. Of course, he could, but it doesn't have to be him. It has to be someone who is legally responsible for, that he's working in conjunction with that caused it within the meaning of the statute, and we'll get to the causation here in a second as well.

This is really important, that a person -- and again, knowingly -- we talk a lot about what it means to be knowing. The person knowingly aids in the commission of an offense -- so if you're aiding a wire fraud, you're assisting a wire fraud, you are participating in that offense, can be guilty of that offense if you knowingly participate in the criminal activity to try to help make it succeed.

So, again, it's this idea that different people have different roles. As long as you are trying to -- not accidentally, but trying to help make the criminal conduct succeed, then you are responsible for the other accomplices in the case.

So let's talk about what these interstate

1 wire communications are. I don't want to get hung
2 up on anything that might be confusing about that.
3 The Government has to show interstate wire
4 facilities were used. Essentially -- and you can
5 read that language, you'll be instructed, and the
6 Court will send it back with you; but the important
7 thing to recall is that the defendant need not
8 actually intend for a wire to happen. It's
9 sufficient that the defendant knew facts from where
10 it's reasonably foreseeable that wires would
11 happen. And this should come as no surprise to
12 anyone that when large financial transactions are
13 happening that interstate banking channels are
14 going to be involved. That is what's meant by
15 foreseeable and a foreseeable use of the wires.

16 The wires themselves don't have to be
17 fraudulent. A bank -- a wire transfer, we've
18 charged Counts -- Count 2 charges a substantive
19 wire between -- was a wire of transfer of money for
20 the purchase of gold. That wire is not misleading
21 itself. It's just a wire. It's just the purchase
22 of gold, \$188,000 of gold; but what matters is does
23 that wire facilitate the crime? Does it further
24 the scheme to defraud? And of course, it did,
25 because that's what generated the gold, the

1 proceeds that the bad guys were able to steal, and
2 the defendant. So that is how use of interstate
3 wire communications works; and if everybody is
4 comfortable with that, we will move to the
5 substantive wires that were charged in this case.

6 Count 2 is the count for Vonda Lutz, and
7 that's what I just mentioned, the \$188,000 worth of
8 gold that was involved. Detective Kody Martin
9 established a wire transfer from her bank in
10 Indiana to purchase that gold from Oklahoma.
11 That's it.

12 Count 3, Virginia Bryan, that's our
13 Edwardsville victim. A representative of Busey
14 Bank came in and established that interstate wire
15 communications were a necessary part of her April
16 10th bank withdrawal. That's the day the defendant
17 picked up \$51,900 from her. A portion of that
18 money was a \$15,000 check that she cashed, that she
19 put together with other funds, but that \$15,000 and
20 the check that was cashed, that's the wire that's
21 charged in Count 3, and the bank official came in
22 and said that, of course, when a check is cashed,
23 that creates a wire communication to servers in
24 different states including interstate banking
25 channels, so that's the wire that's charged in

1 Count 3.

2 Count 4 is also a wire pertaining to
3 Virginia. In this case, it was U.S. Bank. He
4 established that the \$35,000 bank withdrawal she
5 made on April 20th -- and if you remember, that
6 April 20th is the sting date. She had taken that
7 money out before, the police knew about it, and she
8 was going to deliver that money. So when she
9 withdrew that money, as part of the scheme to try
10 to pay off the bad guys, that caused the -- caused
11 a wire communication inside of the bank, which,
12 again, is not surprising. A bank is not simply
13 going to have a calculator and a ledger and a
14 pencil where they cancel \$31,000 without processing
15 that transaction. So that's the wire communication
16 that furthered this scheme in Count 4.

17 Again, the defendant himself need not
18 personally use those wires. A person who aids and
19 abets in the commission of the offense -- in this
20 case, the courier that's picking up the fraud
21 proceeds -- much like the getaway driver in the
22 bank robbery may as well have had the gun in his
23 hand, our courier driving may as well been the one
24 sending the wire because it's been caused in
25 furtherance of this particular crime.

1 Count 5, the immigration count. This -- at
2 this point I probably don't have to spend much time
3 on this at all. You can't sneak into the country
4 without going -- you can't walk through the woods
5 and floods and cross the border to get into a car
6 on this side of the border to drive away. This is
7 easy.

8 There is two elements to it. The
9 defendant is not a U.S. citizen, he's an alien, and
10 he knowingly eluded examination and inspection by
11 immigration officers. The idea that he's not
12 responsible for getting himself to Canada because
13 his agent who was supposed to be sending him to
14 Australia put him on an airplane and put him in the
15 wrong country and somehow he can get to Canada
16 through no fault of his own is about as credible as
17 this idea that he's being smuggled into the United
18 States, he described it, as piggybacked on somebody
19 else's back without his knowledge. It's all just
20 absurd on its face. It's obvious that -- I mean,
21 the man has traveled -- if you look at his passport
22 records and visa application, I think, 10 or 12
23 international destinations the man traveled to, so
24 all over the world. He knows he can't enter the
25 country that way; and when you come into the United

1 States, you have to go through a port of entry.

2 So those are the charges, and that's the
3 law. It's really fairly straightforward. And the
4 wire that we talked about before, the causation
5 issue is that you just have to find that the wire
6 was foreseeable during the execution of this fraud
7 scheme. It's really just that simple.

8 So let's talk a little bit more here,
9 focus the issue on what really matters. There is
10 absolutely no doubt that Karen, that Vonda, and
11 that Virginia were defrauded of hundreds of
12 thousands of dollars. There is no question of that
13 in the case.

14 There is no question that there was a
15 fraud scheme involving numerous, numerous people.
16 Danny, KKT, all of our various callers, this
17 Abhishek, person labeled "pick up" in the phone, I
18 mean, there is all sort of folks involved in this.
19 There's clearly a fraud scheme. There's clearly a
20 conspiracy.

21 As I mentioned before, the defendant is a
22 critical part of making this venture succeed for
23 the parts that he participated in. All the false
24 letters and scams in the world are immaterial if
25 you can't get the money from your victims and get

1 it into the hands of the people who are trying to
2 steal it; and so we have three different victims in
3 three different states who were all victimized by
4 the same scheme and had six pickups conducted by
5 the same defendant.

6 Well, that's pretty straightforward.
7 There's really one question. Was this defendant
8 somehow duped into something and not realize that
9 he was participating in something unlawful; is he,
10 as he said, a victim of this; or did he know what
11 he was involved with? That's really what we get
12 to. It's a question of whether or not he knew he
13 was involved with criminal conduct, and there's a
14 million ways that show that he was.

15 So how do we decide that? First of all,
16 what's knowledge mean, right? Counsel, I think,
17 asked some questions of the defendant on direct --
18 redirect what it meant for him to know something
19 and not know something; and fortunately, I expect
20 you're going to get an instruction on that matter.
21 We're going to get a nice legal definition of what
22 knowledge means; and I expect the Court is going to
23 instruct you that knowledge means -- and a person
24 acts knowingly when he realizes what he's doing and
25 is aware of the nature of his conduct. I love that

1 word, "awareness." Awareness and knowledge makes a
2 lot of sense. They go together really well.

3 And this next part is so critically
4 important because you are aware that your conduct
5 and you're not acting through ignorance, mistake or
6 accident; and let's understand when we have a
7 knowledge requirement what the law is trying to
8 protect against and what we're doing here.

9 Why does -- why do they call it mens rea? Why does
10 mens rea -- why does a knowledge requirement exist?

11 Sometimes it's easier to go back to what
12 we know, being a parent, right? If a child makes a
13 mistake, does something wrong, but they didn't
14 really know what they were doing, that's a chance
15 to teach them, educate them and tell them, you
16 know, Hey, honey, you know, you really shouldn't do
17 that, and let me tell you why. But if that child
18 knows that they're trying to get one over on you,
19 that child knows that they're doing something
20 wrong, well, now we are into punishment, aren't we?

21 The law is set up exactly the same way.
22 We would never want to punish someone who was
23 acting by a simple, good faith mistake, right?
24 Nobody wants that. You can't have criminal
25 consequences for a good faith accident.

1 So this knowing requirement is set up to
2 make sure that the net that's cast is a cast too
3 wide. This knowledge requirement that's set up is
4 to make sure that the person is aware that they're
5 up to no good as opposed to simply being mistaken
6 and in good faith. That's the essence of what
7 we're talking about, and it makes a lot of sense,
8 and the law says -- and I expect the Court will
9 instruct you -- that in deciding if the defendant
10 acted knowingly, you can consider all of the
11 evidence, including what he did and including what
12 he said, both what he admitted to and what he lied
13 about repeatedly. That's a critically important
14 element of the law here that I got to make sure
15 everyone understands.

16 But knowledge has another way that can be
17 shown under the law. We call it the "ostrich
18 instruction" in the law, and I'm going to guess
19 that if you don't remember anything else I say
20 for -- after your jury service is up here in a
21 month, you're going to remember the image of an
22 ostrich sticking their head in the sand. We call
23 it the ostrich instruction because everybody is
24 familiar with that metaphor, right?

25 The Court is going to instruct that you

1 may find that the defendant acted knowingly if you
2 find beyond a reasonable doubt that he believed it
3 was highly probable that the victims were being
4 defrauded and that he took deliberate action to
5 avoid learning that fact. You may not find the
6 fact that the defendant acted knowingly if he was
7 merely mistaken or careless in discovering the
8 truth or if he just failed to kind of make an
9 effort.

10 We're back to this good faith idea of
11 honest, innocent mistakes versus somebody that had
12 awareness. Now, he had conscious awareness of what
13 was going on, there is no doubt whatsoever about
14 that, but the way he testified when confronted with
15 -- today with questions -- Mr. Reed put one
16 question to him about lying, and the specific
17 misstatement evades me right now. But when he was
18 asked, You lied to the officer about that, you
19 know, it's almost back to the -- imagine a kid kind
20 of going, "I don't hear you. I don't hear you. I
21 don't hear you." "Just a courier." "Just a
22 courier." Well, not what I asked you about.
23 "Well, just a courier." "Just a courier." He
24 doesn't want to answer the question.

25 This is kind of that whole idea you can't

1 bury your head in the sand, be confronted with
2 facts and circumstances under which you know what's
3 going on and pretend that you don't know because
4 you buried your head in the sand. That's
5 "knowledge to" in the federal system -- that's
6 "knowledge to" in the federal system, and it sure
7 applies in this case just by the way he described
8 it.

9 You take the way he described it, the
10 knowledge instruction, it's still met under this.
11 He clearly, clearly understood that it was highly
12 probable that there was criminal activity going on
13 around him, and he clearly took steps not to -- not
14 to try to minimize his own role, but you don't get
15 to pretend that you're not aware of things that
16 you're aware of. You don't get to just bury your
17 head in the sand and act like you don't know things
18 that you are plainly aware of.

19 All right. So let's talk about all the
20 different ways we can show that the defendant had
21 knowledge. He made six different pickups, and we
22 don't need to talk about red and brown cars and
23 beige cars any more, fortunately. I think we're
24 way past that. We don't have to worry about
25 somebody else using his phone at this point. I

1 think we're way past that. There is no doubt
2 whatsoever that the defendant made each one of
3 these six pickups. His -- the GPS, his phone puts
4 him at the scene, he's taking pictures of the
5 evidence at the scene, he's caught red-handed
6 twice, and, oh, he admitted it. I mean, we're -- I
7 mean, he did these things. I mean, there is
8 absolutely no way around that.

9 So just the amount of money that we can
10 put in his hand from these six pickups is over
11 \$400,000, and we're dealing with an international
12 fraud scheme of some level of sophistication. Is
13 there any way in the world the criminal enterprise
14 is going to gamble with -- that \$400,000 is not
15 going to get away from them, that they're going to
16 ensure that the person who picks it up is someone
17 they can count on. The sheer amount of money by
18 itself belies common sense to think that the man
19 entrusted to pick it up would be anyone other than
20 a trusted confidant. Just not how things could
21 possibly work in the real world.

22 Think of the amount of time these scammers
23 invested with each of the victims. Virginia talked
24 about -- poor Virginia, she is the 86-year-old from
25 Edwardsville who struggled. He kept her on the

1 phone -- and Mr. Reed introduced evidence from the
2 phone extractions and that. They kept that poor
3 lady on the phone, kept her isolated, the amount of
4 hours they burned communicating with victims and,
5 you know, writing letters and everything else that
6 they've done here, there's just no way the criminal
7 enterprise of this magnitude is going to -- once
8 you -- and imagine how many of these emails and
9 texts and scams they have to send out before they
10 get a live one on the line, right?

11 I mean, people -- all the time your phone
12 is blowing up with, hey, work-from-home
13 opportunity, hey -- I mean, we all get those kind
14 of calls and texts, and I can't even imagine the
15 number of them that this enterprise has sent out,
16 but for that tiny percentage that fall for it,
17 that's a golden commodity with a criminal
18 enterprise like this; and once you get them on the
19 hook, you don't want to let them off the hook, and
20 especially once you've gotten them to the point
21 where you can separate them from their money; boy,
22 it gets real now; and they are not going to take
23 any chance that that money is going to get away.

24 What kind of person can they trust to pick
25 up? Oh, I don't know, a friend, maybe a cousin.

1 He mentioned Abhishek being a person he knew when
2 he lived in India, a person that you had history
3 with. Maybe the kind of person that you can trust
4 that when they get pulled over and stopped by the
5 police is going to lie to the police. Maybe
6 they're going to trust that guy that when it comes
7 right down to it is going to say, "Oh, I have no
8 idea what's going on. No idea what's going on,"
9 not cooperate, not say anything, and that's what
10 happened up in Wisconsin.

11 His first pickup in Wisconsin, he comes to
12 Indiana, back to Wisconsin, got stopped by the
13 police, and the first time he gets stopped by the
14 police, you know, it was -- I mean, you heard the
15 testimony from the detectives -- now you're lying
16 to say you were up there as a musician. Finally,
17 Detective Sir, with him alone in the back of the
18 car and the videotape from that stop was asking him
19 these questions; and, you know, he wasn't candid
20 with them, but they talked with him. What was the
21 sum and substance of the interview from Merrill,
22 Wisconsin? You know, he's up there to pick up a
23 package. Finally, he says that. Originally he
24 says he's up there to be a musician. He finally
25 admits to that he was going to get a package for

1 \$250 but claims not to have any idea what was in
2 the package. You know, that is just the kind of
3 person you trust to be involved if you're sending
4 out a courier who is picking up \$400,000.

5 I'm having a little technical difficulty
6 here. The clicker won't work.

7 (Off the record.)

8 MR. WEINHOEFT: So our first wave where we
9 can show and know for certain that the defendant
10 was participating is just the sheer amount of money
11 that's involved and the magnitude of the
12 responsibility. It's just unreasonable to think
13 that a criminal enterprise like this would be
14 involved with someone who wasn't trustworthy, but
15 let's talk about his conduct during the crimes.

16 First of all, he's being sent out by KT
17 and Danny to do a lot of these pickups, right?
18 What is one thing that he said over and over and
19 over and over again that he was? A courier, right?
20 Well, it might make sense that he thought he was
21 working as a legal courier if we had "Danny's
22 Courier Service" or if we had "KKT Deliveries," but
23 that's not what we're dealing with in any way,
24 shape.

25 It's a very, very different situation.

1 KKT and Danny have no relationship to any of these
2 victims. He had no idea who any of these people
3 were. All he knew is that from India there'd be a
4 message to go make a pickup at somebody's house 250
5 miles away a few hours later when you're not
6 working for an actual courier service. It just --
7 there is nothing about it that sounds like it's an
8 honest, legitimate situation. He's not going to
9 businesses. He's not picking up things from anyone
10 other than elderly women.

11 And the one, for heaven sakes, going to
12 Indiana -- you saw the pictures of that yellow
13 building, Christina's House/Christina's Place -- it
14 was referred to both ways, you are literally
15 driving into an assisted living facility, passed a
16 sign that says Christina's Place, Assisted Living
17 Facility, and he pulls up -- it was a little point,
18 but you pull up kind of right in front of that
19 front door, jump out, kind of go in to help an
20 elderly lady if you think you're making a delivery.

21 This is the first delivery -- pickup
22 service in history where they sit and wait in the
23 car for you apparently. Where did he park? You
24 saw that one picture. He parked on the farthest
25 right parking place away from the door. That makes

1 a little sense because if I was coming to make an
2 illegal pickup, I wouldn't want to drive up by the
3 front door. I'd be afraid of cameras. Wouldn't
4 want to walk in that front door because assisted
5 living facilities very -- oftentimes have those
6 kinds of setups around them or there might be
7 someone meeting you at the front desk in the light;
8 but instead he stayed all the way to the edge of
9 the parking lot, and he made this poor woman on
10 oxygen and with a walker walk all the way out to
11 him.

12 Is that how regular delivery courier
13 services work? That's what he'd have you believe.
14 Is that reasonable? Does that pass that common
15 sense test? It's ridiculous. It's absolutely
16 ridiculous.

17 Look at how he got paid. He got paid cash
18 or through Zelle, which is an app on the phone, to
19 transfer money or he did acknowledge at one point
20 he took some money -- some cash out of the box. So
21 you pick up a box of money from an elderly woman,
22 pull a chunk of her cash out for yourself and think
23 that you're involved in honest business? Is that
24 good faith? Is that awareness that this isn't
25 right?

1 His body language, boy, oh, boy. Not
2 getting out of a car is troubling just on a human
3 level, but it's also indicative of, you know,
4 someone who is trying to conceal themselves; and I
5 found it really interesting that the two witnesses
6 who could describe having gone up to him and making
7 those deliveries both said he hid his face, and,
8 you know, there was some questions about, well, it
9 was cold out or this and that. He doesn't get the
10 benefit of it being cold outside for having, you
11 know, something up over his mouth and his nose and
12 a beanie cap over the top of his head, because,
13 remember, he has just driven 250 miles. I think
14 the car is warm. He sure as heck didn't get out of
15 it. What's the only inference that's reasonable
16 from that fact? He's hiding his face because he
17 knows he's doing something wrong.

18 The one victim described him as kind of
19 reclining his chair and turning away from him -- or
20 turning away from her when she walked up; and in
21 fact, his body language was so off with her, she
22 had done -- Vonda had done a couple of pickups with
23 who she called the "burger boys," that we haven't
24 been able to identify yet -- you know, she was --
25 she was scammed and kind of comfortable with the

1 situation. What did she say was the first thing
2 that made her start to wonder if all of this was
3 legitimate? It was this guy's body language. It
4 was the defendant's body language. It was off. It
5 was off. She could sense something wasn't right,
6 and now, Vonda was the person who herself was
7 pretty easily fooled, and even she was able to see
8 and perceive that the way he was looking straight
9 ahead, wouldn't make eye contact, just did the
10 thumbs-up, throw-it-in-the-back kind of motion,
11 like, this isn't right, doesn't feel right, and
12 it's because she's sensing the way he's acting at
13 the scene and because he knows he's doing something
14 wrong. It's why he's hiding himself. It's why
15 he's covering his face.

16 And look at his constant communications --
17 and I know we had one really long day where we went
18 through those cell phone extractions, and we jumped
19 back and forth between a thousand exhibits it felt
20 like throughout the course of that day, but it was
21 emphasized and reinforced just the nonstop
22 communication between this defendant, Danny and KKT
23 and all of those calls back and forth.

24 I think it was December 1st and December
25 2nd, if memory serves, and I believe in a 24-hour

1 period of time, I think there were 37 or 38 calls
2 and messages exchanged between the two. What does
3 that sheer volume of communication tell you about
4 what's going on with this guy? This is -- I mean,
5 this is back-and-forth, nonstop discussion and
6 communication. This is -- that's a lot more than
7 somebody who superficially just has no idea, and
8 that's his default setting. Every time he gets
9 posed with a hard question, it's, "No idea. No
10 idea. Courier, courier, courier." It's just a
11 default defense mechanism and a way to try to hide
12 behind answering a difficult question.

13 Boy, let's talk about those dollar bills.
14 How weird is that, right? How weird is that?
15 Fortunately, Detective Hoyland has seen this
16 before. Conor Hoyland was able to describe how
17 these India-based scams, that these scammers will
18 use a dollar bill and serial number essentially
19 like a tracking number, and it's a way that they
20 communicate and they track money as it goes back to
21 the pipeline.

22 Counsel's opening statement said he was a
23 courier just like any other, you know, just like
24 Uber, just like Amazon. So I guess our
25 secret-coded dollar bill communication is just like

1 Uber and just like Amazon. It's weird. It's not
2 right. It's every reason in the world that this
3 defendant knew that he was involved in something
4 wrong, and he's the one taking pictures of the
5 bills. Take picture of the bill. There would be a
6 note and an amount scribbled on it. Two to three
7 minutes later he's taking a picture of the same
8 bill, and that was going on -- it was his testimony
9 earlier how that was going on during the count of
10 the money, and that's knowledge. It just is.
11 There is no other way to explain it.

12 And that Wisconsin arrest, the Wisconsin
13 stop, is absolutely devastating evidence. It's
14 absolutely devastating evidence. Put it in
15 context. He's going up there to make a second
16 pickup, and the police are there, the lights come
17 on, and they say, "What are you doing in Merrill?"
18 That's the first question. "What are you doing in
19 Merrill, Wisconsin?" "What are you doing?" And
20 about the -- at first he starts out with the
21 business about he's there as a musician, and
22 Detective Sir is like, I don't see instruments, I
23 don't music, I don't see amps, I don't see wires,
24 you know, none of this makes sense; and he said it
25 wasn't a miscommunication. If it would have been a

1 miscommunication, he would have kept asking
2 questions, but after several minutes of it, he used
3 the word "confronted" him.

4 You saw the demeanor of those Wisconsin
5 officers. All of the police in this case are a
6 credit to law enforcement and how professional and
7 appropriate and how much dignity that they treated
8 this defendant with. Detective Sir was really
9 respectful and patient and polite and careful when
10 he testified. I mean careful. If he wasn't
11 certain about something that was said or something
12 that was done, he would stop, look up, he paused,
13 he didn't reach. He didn't -- he was cautious in
14 the manner in which he testified to make sure
15 everything he said was spot on precisely the truth.

16 And he said the defendant said that he was
17 here as a musician, and they looked and said, Well,
18 where are your instruments? Well, where are you
19 playing? What venue are you at? He said it was
20 after a few minutes of this that they confronted
21 him and said, You are not telling us the truth; and
22 of course, it's a sting, and they say, We know
23 you're here to pick up a package. And he's like,
24 Okay, I was here to pick up a package. I don't
25 know what was in it. I don't know what was in it. I

1 was just getting \$250 to pick up a package. Some
2 random guy named KKT contacted me two days ago.
3 That's all I know, and he kept saying it over and
4 over and over again, and that's literally all the
5 Wisconsin police got out of him. None of it is
6 true. KKT didn't just randomly contact him as an
7 unknown person two days before that.

8 And look at what he didn't mention while
9 he was talking with them. When he made that
10 stop -- when he got stopped by the police in
11 Wisconsin, it was hours after he had just made
12 another pickup in Indiana. You remember he went on
13 Thanksgiving morning to Indiana, and it was the day
14 after that he was up making this stop the next day,
15 and it was -- it's remarkable that he pretends to
16 have absolutely no idea, no idea what's in the box
17 during the -- during this time.

18 So understanding the impact of this
19 Wisconsin evidence, at this point they don't let
20 him take the package. He doesn't get to make his
21 pickup. He has to report back to Danny and KKT
22 that the police intercepted the package, and
23 remember, he couldn't get home because they also
24 seized his phone as evidence. So he knows the
25 package was not a lawful pickup, and he knows he's

1 under criminal investigation because the police
2 still have his phone to search it.

3 I mean, to the extent there's any, any way
4 to conceive of him not knowing, it's all gone after
5 Wisconsin. It's gone. He knows at that point --
6 at that point in time this is not a lawful pickup,
7 and what's he do? He goes back to Chicago for a
8 few days, and then he goes straight down to -- this
9 is in December -- spends the next three months down
10 in Atlanta with Danny, with Danny. That's where he
11 went after he got stopped by the Wisconsin police.

12 And out of his own mouth he said that
13 Danny told him that the police would not catch him
14 there, and he said he had concerns about the fact
15 that the police were there, and this is, I guess,
16 where Danny brainwashes him. Do you remember that
17 testimony? It's ludicrous as well.

18 But he's down in Atlanta, and Danny is
19 there, and if he's got a question about what was
20 happening in Wisconsin, guess what, it's a pretty
21 easy Google search to get in touch with the Merrill
22 Police Department to say, Hey, I got some concerns
23 about what happened. Can we talk this thing
24 through? Can I ask you some questions? Can I
25 learn about this? But instead, supposedly he goes

1 back, and he is just going to rely on Danny who
2 sent him there to make all of these pickups, so
3 somehow that exonerates. Somehow that means he
4 doesn't know. No, he got of dodge and went down to
5 Atlanta with the guy that's dispatching him all
6 over the Midwest to do pickups. That's what's
7 happening in the real world.

8 Let's talk about this Edwardsville PD stop.
9 The first words out of his mouth when he gets
10 stopped is "first time" and "no idea." He also
11 says he's a musician again. He's basically
12 rehashing all the same lines he pulled out in
13 Wisconsin, and he's trying to get out of, now,
14 Edwardsville. When he says, "first time"
15 there's -- I mean, that's the second time he's been
16 to Virginia's house. There is no set of
17 circumstances under which him saying "first time"
18 is anything remotely truthful. It's just an
19 attempt to make a false statement to escape
20 responsibility for what he knows that he's doing.

21 The false statements that he made in that
22 recorded interview, I'm not going to go through
23 each and every one of them. I'll highlight a few
24 of them, but that recorded interview that he did
25 with Agent Kaur is just remarkable examples of him

1 just talking in circles and circles and making
2 false statement after false statement after false
3 statement.

4 He lied about why he was in Edwardsville.
5 He said the location was just given to him, and he
6 made reference to Door Dash, and he claimed he was
7 there as a handyman. He claimed he was in
8 Edwardsville as a handyman -- at least he tried
9 that. When they asked -- when he first started
10 that interview, he said, some woman is claiming
11 that she put money in the back of my car, but I
12 don't know what she put in my car. That's not
13 true. He's lying. He just is. And if he's lying,
14 you got to ask yourself the next question: Why is
15 he lying?

16 In the law, we call that consciousness of
17 guilt. He's hiding because he's covering something
18 up. He claimed he got sent to Virginia's house by
19 someone who he didn't know their name. His only
20 mistake in this whole thing was not getting the --
21 he said the only -- his only mistake he made was he
22 didn't get the name of the person that sent him to
23 Virginia's house. That's just not true.

24 He said that he was going there for
25 handy -- to do handyman work. He said he is going

1 there. There is some repair work to be done. Some
2 color work. I assume that means painting. One or
3 two household jobs. This is what he told me.
4 That's his explanation in that recorded
5 interview -- his first explanation. He goes
6 through many, but that's his first explanation.
7 Repair work to be done, some color work, one or two
8 household jobs, this is what he told me, and he
9 said he went there without knowing how much he was
10 going to be get paid, and he said in the same
11 breath, "I swear 100 percent on my child I didn't
12 know anything about this." Just bald-face lie
13 after bald-face lie with the -- whether it's
14 swearing to -- on children, swearing on family,
15 swearing on religion, it's just what he does when
16 he's trying to give completely false statements the
17 patina of credibility when there is none.

18 This story evolved from going to Virginia's
19 house for a lawful purpose of handyman work to
20 picking up a package but no idea what I was picking
21 up, but then it went to okay, I picked it up, but
22 they made me to do it. He was forced to do it.
23 Then he finally says, My cousin sent me. Then he
24 finally says, I did it for my family because I
25 needed the money. He says over and over again he

1 didn't know he was picking up money, and then he
2 finally gets around to saying, Well, I thought it
3 was only \$10,000 or \$15,000. The story just
4 continues to evolve. He lied about getting paid.
5 He finally did admit to counting out that 28- or
6 \$29,000 and -- from an aged woman that he
7 described.

8 So his interviews and false statements are
9 just like his false testimony. His testimony was
10 ridiculous, and it's as incriminating as the
11 statements you watched on the recording, but don't
12 forget. We've even got more. We've got acts of
13 concealment. Not only do we have false statements,
14 we have actual acts of concealment. We have
15 photographs and videos of criminal proceeds that
16 are evidence that are deleted off of his phone. He
17 made a choice to do that for a reason. Just like
18 nothing else in this case is his fault, according
19 to him, he claims somebody else made him do it, but
20 he wiped that evidence off of his phone for a
21 reason. It's incriminating evidence, and he's
22 covering his tracks.

23 He turned on disappearing messages on
24 those chats back and forth with KKT. Remember
25 that? That was a great catch in cross-examination

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1 today because he said point-blank on the witness
2 stand, "I didn't turn on disappearing messages.
3 One of the other guys did." Mr. Reed, unh-unh,
4 pulled up the image from the cell phone extraction,
5 and guess what, plain as day, it was this defendant
6 who was the one who turned on disappearing
7 messages, and he lied about it right in front of
8 all of us. Why did he turn on disappearing
9 messages? What were they talking about that he
10 didn't want recorded while he's on the way to pick
11 up criminal proceeds?

12 THE COURT: Counsel?

13 (Sidebar proceedings on the record.)

14 MR. WEINHOEFT: I've got about five or ten
15 more minutes.

16 THE COURT: At the most.

17 MR. WEINHOEFT: Okay.

18 THE COURT: Okay. This is a Friday
19 afternoon. You have been going an hour and ten
20 minutes.

21 MR. WEINHOEFT: Have I? Okay.

22 THE COURT: And I still have 36 pages of
23 instructions to read.

24 MR. WEINHOEFT: Okay.

25 THE COURT: This jury -- we're lucky if

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1 the jury gets this case at three o'clock, and I'm
2 not going to let you go any longer than --

3 MR. WEINHOEFT: All right.

4 THE COURT: All right.

5 MR. WEINHOEFT: I've got some slides, and
6 I'll blow through them.

7 THE COURT: All right.

8 (End of proceedings at sidebar.)

9 MR. WEINHOEFT: I will go through these a
10 little bit more quickly, but there are a couple of
11 statements made during his recorded interview that
12 just have to be -- have to be pointed out.
13 Cross-examination about the term "money laundering"
14 being used, but it's at the end of that
15 conversation that there is something pretty
16 significant.

17 (The video was played at this time.)

18 MR. WEINHOEFT: We'll watch it one more
19 time. He's talking about at that time -- and
20 they're like they're not worried about -- the agent
21 from Schaumberg touches his heart, What did you
22 think was going on then in here? And watch
23 Mr. Patel back. He goes, In here I thought they
24 were doing something wrong. It's one of the rare
25 truths that he told in this case. Watch this

1 again.

2 (The video was played at this time.)

3 MR. WEINHOEFT: When discussing the second
4 pickup from Vonda, how much money did you count
5 inside? And this is number one. This is before
6 he's down here in Southern Illinois. He said 30,
7 30,000 something.

8 (The video was played at this time.)

9 MR. WEINHOEFT: Another way to describe
10 that, that's knowledge. He knew what was going on.

11 (The video was played at this time.)

12 MS. FRETER: Judge, do we have to play
13 each one of these twice?

14 MR. WEINHOEFT: I'll move through these.

15 When discussing how he delivered the
16 money -- and I'll just make this point and save --
17 having seen this. These people were doing
18 something wrong, but this is the second point
19 that's important. They were all in coordination
20 with each other. That's another way of describing
21 he knew there were multiple people involved in this
22 scheme to defraud -- of this conspiracy.

23 Discussing the Madison County pickup, it
24 would not be more than 10- or \$15,000 that he
25 admitted. That's knowledge. It just is. He knows

1 what's going on.

2 This one is really good. When he's
3 picking up -- when he thinks he's picking up from
4 Virginia Bryan and it's a sting, he was asked, Why
5 did you only lower the window a little bit? And he
6 said I only -- I was a little scared and I also
7 felt something wrong was happening.

8 (The video was played at this time.)

9 MR. WEINHOEFT: There's more, but I've
10 made the point. This jury understands what's going
11 on here.

12 Folks, you're the judges of the facts. It
13 is up to you and you alone to determine the truth.
14 Justice does not exist without verdicts that are
15 based on the truth. We have to get it right, and
16 we only get it right when we get to the truth, and
17 the truth here is that these different victims in
18 different states who were targeted by the same scam
19 from the same courier were all victimized because
20 the defendant was knowingly participating in a
21 larger scheme. It's just that simple. He knew
22 what he was participating in.

23 So now it's your job to return to
24 deliberate; and when I sit down, defense will
25 address you; and then Mr. Reed will have an

1 opportunity to speak in rebuttal; and it's that
2 time that you have to sit back and judge the facts
3 to determine what was true. Was this man blameless
4 and acting in good faith, or did he know what he
5 was doing?

6 And when you consider his behavior during
7 the crimes, his countless lies to law enforcement
8 and even in this courtroom, the fact that he
9 continued making pickups after stopped by the
10 police, his acts of concealment and his admissions,
11 that you'll come to the conclusion that there is no
12 reasonable doubt about this man's guilt. This
13 defendant did more than just steal their money.

14 THE COURT: One minute.

15 MR. WEINHOEFT: He's been emotional and
16 he's been desperate, but he is not the victim here.
17 He sits in that chair because of countless
18 decisions that he's made, that these victims --
19 he's stolen their life savings, he's destroyed
20 their trust, their independence, and now every time
21 the phone rings, they have to flinch. There is
22 nothing worse than crimes that pray upon vulnerable
23 victims, and it is simply wrong to drive all over
24 the Midwest stealing money from elderly victims in
25 any culture and in any language.

1 At the conclusion of this case, we will
2 ask you to return the only verdict supported by the
3 facts and the law, and that is a verdict of guilty
4 on all counts. Thank you for your time.

5 THE COURT: Erin, do you need a break?

6 (Off the record.)

7 THE COURT: We have more closing
8 arguments, and then you get to hear my dramatic
9 reading of 37 pages of jury instructions, so why
10 don't we take a five-minute break, and we'll come
11 back for that.

12 (Recess at 2:24 p.m. until 2:32 p.m.)

13 THE COURT: Counsel, you may proceed.

14 MS. FRETER: Thank you, Your Honor.

15 Thank you all for your time and attention
16 this week. I know it's been a long week. A
17 hard -- it's been a lot of information crammed into
18 a short period of time, and it's been difficult to
19 receive it. We very much appreciate you taking
20 time out of your lives to perform this very
21 essential function, so thank you very much.

22 When you have new lawyers, law students or
23 new lawyers, you do an exercise with them, and you
24 have everybody imagine a bear. You have them think
25 about a bear, imagine the bear, what it looks like,

1 what color it is, what it's doing. You have them
2 all think about their bear; and then you go through
3 which -- each of the students, and you have them
4 describe their bear, and inevitably, some of the
5 bears are polar bears, some are koala bears, some
6 are brown, grizzly bears. All of the bears are
7 doing different things. They all look different.

8 The purpose of the exercise is to try to
9 demonstrate to law stents how, when you saw bear,
10 just the word "bear," for different people it means
11 different things, and a lawyer's job is an attempt
12 to explain and fill out and describe the bear.
13 What color is your bear? And what kind of bear you
14 think about might be influenced by where you came.
15 If you're from Australia, koala bears. If you're
16 from Alaska, maybe you think of grizzlies.

17 It's difficult to explain or demonstrate
18 how different people really are from each other. I
19 mean, we're the same, but we're also really
20 different, shaped by our own life experiences, our
21 own situations, how we view the world, and in
22 compressed time and shortened relationships, it's
23 unbelievably hard to do that.

24 So maybe it's cheesy, but I had a lot of
25 witnesses talk about what color the car was, what

1 color is the car, and I did a whole song and dance
2 about brown or maroon or pick this out, and you saw
3 professional law enforcement officers struggle to
4 describe this car, and these would be people who
5 would call in a car if they had to stop somebody
6 for speeding, and they would call in the color of
7 the car, and it was difficult for them to pick a
8 color. We've seen pictures of the car. You can
9 make up your own mind about what color it was.
10 Maybe some of the officers have color blindness.
11 Maybe the lighting was bad. I don't know what the
12 answer to those things are and you don't either.
13 Their perception of the color of the car or what
14 color is your bear, right, is really important in a
15 case where what we're dealing with is language and
16 actions.

17 While there are moving pieces and
18 financial records and people that were affected, it
19 comes down to this, the bottom line for the case,
20 has the Government proven to you beyond a
21 reasonable doubt that Nirav Patel knew -- you could
22 use the phrase "should have known," right? Were
23 the circumstances such that you should have known
24 that -- that what he was doing was participating in
25 an illegal scheme to defraud? Did he know it or

1 not?

2 Are you convinced, after listening to all
3 the evidence, beyond a reasonable doubt, not just
4 "ah." Beyond a reasonable doubt that he knew that
5 he was participating in a scheme to defraud?

6 It's hard looking back to see what was in
7 someone's heart, what was in their mind. It's
8 almost impossible to do backward looking that way.
9 So you have to look at what somebody said and what
10 somebody did, right; and Mr. Patel got up and
11 testified for you; but the way you interpret
12 that -- again, lawyers like to slice up little
13 words. That's what we do. We go to law school to
14 learn how to do that. You said this then and this
15 now. It's why people don't like lawyers. It's why
16 we have complicated relationships with our spouses,
17 because you get into minutia of words and language.
18 It's fun for lawyers. Regular people don't care
19 for it too much. They don't like testifying. They
20 don't like lawyers. "You're always picking on me
21 about that. Why are you picking with my words?
22 You know what I mean."

23 When you just saw little pieces of the
24 transcripts and what Mr. Patel said or you think
25 back about his testimony, we all were looking at

1 the words on the screen in English sitting there
2 saying when the Government says and you said this,
3 and Mr. Patel wouldn't remember, wouldn't agree
4 with it, and it seemed ridiculous, right, it's the
5 word the Government used because you're looking at
6 the words, and you're like, well, he said it there,
7 there's the transcript, but Mr. Patel doesn't read
8 English. They would have had to replay the audio
9 for him again enough that he could hear. So while
10 you're all looking at the screen saying this is
11 what the words say, why doesn't he just say yes, he
12 doesn't -- he doesn't read English. He would have
13 had to listen to it again on top of the layer of
14 the conversation was in Hindi, not Gujarati, which
15 Special Agent Kaur testified is a totally different
16 language, and even she doesn't read Gujarati.

17 How confident are you after listening to
18 two different interpreters talk and see all the
19 different issues we've had here in this courtroom
20 with interpretation that in the clips that the
21 Government just saw (sic) you, when Mr. Patel,
22 according to the transcript, said "I felt," that
23 that translation shouldn't be "I feel." I feel
24 they were doing something wrong. I feel in my
25 heart that wasn't good, because that statement in

1 the police statement in Schaumberg is in June of
2 '23 after Mr. Patel has been arrested in Madison
3 County, released, gone back home and then been
4 rearrested. So he's had interaction with the U.S.
5 criminal justice system that has told him what you
6 did in Madison County was wrong, and so are you
7 certain beyond a reasonable doubt that in that
8 transcript, in that -- when you say "I felt" that
9 it's not -- that it's not "I feel." "I feel in my
10 heart now that it was wrong." "I feel now." How
11 certain are you? It's not proof beyond a
12 reasonable doubt. You're not certain about it
13 because you can't be. It's inexact.

14 It would be nice if it was clean and
15 simple and easy and not messy, and you could say,
16 You said this before, you're saying this now,
17 you're lying, you're guilty, be done; but that's
18 not what we have here because you're trying to
19 figure out did he know; and these statements, you
20 have to remember when he's in the police station in
21 Schaumberg, they say to him, You've been arrested
22 more than once, you were arrested in Wisconsin, and
23 he says, No, I wasn't, and they said, Yes, you
24 were. You are lying. You were arrested in
25 Wisconsin. Stop lying to us. They said it over

1 and over again. You heard that happen when he
2 testified on the stand. You're lying.

3 But we know, because we've seen the text
4 message where the officer in Wisconsin said you are
5 100 percent not under arrest, that that's what he
6 was told in a text message in Hindi. Go sit --
7 twice, you are not under arrest, go sit in the car,
8 and he was let loose, right? He was freed. But
9 they told him in the interview room when they
10 talked to him in Schaumberg, you're wrong, you're
11 lying, you have been arrested more than once. How
12 is he supposed to convince them or you that he's --
13 I mean, how is he supposed to convince -- he
14 knew he -- I mean, he knew they told him he wasn't
15 arrested. It doesn't get any more basic than that.
16 They told him he wasn't arrested, and now these
17 other people are telling him that he's a liar and
18 that he absolutely was.

19 The three ladies in this case, Ms. Lutz,
20 Ms. Endres, Ms. Bryan, have been affected horribly.
21 This is terrible. There's no doubt that they were
22 defrauded. There's no question about that, but I
23 want you to hear what I'm saying without -- I'm not
24 disparaging them. I'm not criticizing them. I'm
25 not saying anything at all badly or derogatory to

1 them. Those ladies were just trying to do the best
2 that they can, right?

3 But the window into human behavior and
4 human interaction can be seen through their action.
5 Ms. Bryan was a chemistry professor and the chair
6 of the physics department, right? Ms. Lutz was a
7 registered nurse. Ms. Endres had worked outside
8 the home, and she's -- maybe she didn't have a
9 bunch of fancy letters after her name, she was the
10 one that said "no more" the soonest of these other
11 two ladies, right? These were all smart, capable
12 women who had careers and lives and children and
13 bank accounts and smartphones. Somehow through
14 either loneliness or manipulation or, for whatever
15 reason, all three of them fell victim to this, and
16 they all did things that when you look at it, you
17 just think that's crazy. How could you take 35- or
18 \$50,000 in cash to a Bitcoin machine in a gas
19 station? I mean, it seems just crazy to think
20 about, and that the girl working at the gas station
21 said, Ma'am, I don't think you want to do this, and
22 she did it anyway, even though the -- objectively
23 it doesn't make any sense. She's -- they're all
24 communicating with these people who don't have
25 accents, who are texting and talking in complete

1 sentences for hours on the phone, and then they're
2 deleting the messages. Is that deleting evidence?
3 I mean, why -- they were all asked, Why did you
4 delete the messages? Because these people told me
5 to. These are small ladies, but in whatever the
6 context it is, they're deleting the messages.
7 They're doing more packages.

8 Ms. Bryan, after the Bitcoin was -- I
9 mean, it just disappeared, she lost all that money,
10 she went to the police station to report the prior
11 fraud and already had money packaged up for the
12 next one. When you look at it, you think, well, it
13 just doesn't make any sense. How can they do that?
14 But you also hear and believe that they're telling
15 the truth about that, that they weren't a
16 participant in this fraud, they're not trying to
17 send Bitcoin in some money laundering scam. I
18 mean, we all believe them 100 percent, right? Some
19 of it may be based on how they testified. It can
20 be their interaction. For whatever reason, we all
21 believe them. Nobody thinks, oh, no, they were
22 doing a crime. Nobody thinks that, right?

23 The Government, though, and the police or
24 whatever, don't give the same benefit to Mr. Patel
25 when he says they told me to delete the pictures so

1 I did. They told me to go to these places so I did
2 even though it objectively seems crazy, right? It
3 seems just as bizarre.

4 Why doesn't Mr. Patel get the same benefit
5 of the doubt as the ladies do? Why is that? Is it
6 because they're victims of a crime? Is it because
7 they're able to articulate their situation better?
8 Is it because we identify with them more?

9 Mr. Patel has been insistent through all
10 of this that he's a courier, that's moving -- he's
11 just there to pick up packages, and he doesn't
12 investigate any further as to why, and he doesn't
13 look into it; and you're being asked to
14 extrapolate, to surmise, from his behavior and from
15 what he did in some ways based on your own
16 experiences about what you would do, and what's
17 reasonable to you based on your life, which is very
18 different than Mr. Patel's. People act differently
19 in different situations.

20 In this room, I'm cross-examining police
21 and making objections and taking up a lot of space,
22 but out in the world, maybe if I get pulled over in
23 a car, something else, I'm going to try to make
24 myself small because I'm a woman, because I'm
25 short, because I don't have any agency or power out

1 there in the world in the same way that I do in the
2 courtroom.

3 The agent thought Mr. Patel was lying
4 because he wouldn't look at her, because of his eye
5 contact, but he was looking at the guys. She said
6 that that's a cultural thing. Maybe, maybe he
7 didn't understand her role and thought she was just
8 an interpreter. Maybe he just thought that they
9 had the power in the room. She testified she would
10 have dealt with the interview differently had she
11 known, for example, that he had a text message from
12 before telling him he wasn't a hundred percent
13 under arrest. How did that color everything else
14 that got said? All the questions, all the
15 parsing -- when he says the word "money laundering"
16 in the interview -- and you can ask for all the
17 exhibits. You can rewatch the stuff if you want.
18 It's very long, but you're going to take time and
19 think about this and consider it carefully. If you
20 want to look at stuff, you can. The Judge is going
21 to read you the instructions of law. The
22 Government has put some of those on slides, but the
23 Judge's instructions are the ones, right? That's
24 what the law is. Not what the Government or I say.
25 Read through all the pages of instructions

1 on your own, right? Really look at them because
2 that's what the law is. Wire fraud, when you go
3 into a bank and it's saved on a -- what did he say?
4 It was like saved as a document thing in wherever
5 Minnesota, whether that's wire fraud or not, you
6 will get instructions so you all can figure that
7 out.

8 But our experiences are -- they're just
9 different, right? Yellow cab, dollar cab, gypsy
10 cab, when I say that, those are lyrics from a song,
11 right? You all may know what the song is and you
12 may not, but a dollar cab and a gypsy cab is a cab
13 in New York City that you can still get that's just
14 like a neighborhood cab. You're just paying
15 somebody from the neighborhood to drive you a
16 place; and so when I say yellow cab, dollar cab,
17 gypsy cab, you may not know the song and you may
18 not know what I'm talking about or you might. Just
19 like when I say "play cousin," what that means, and
20 that's based on your experience and whether you
21 have ever taken a dollar cab; and when you talk
22 about your cousin within the context of Indian
23 relationships from Gujarati, what that means, and
24 the agents -- not Agent Kaur, the other two agents,
25 right, took that to mean -- and the Government is

1 taking it to mean -- that he's being evasive about
2 the relationships. He's just trying to explain
3 from his perspective and point of view. He's just
4 a courier, and he said it a million times. What
5 does that mean to you, and what did it mean to him
6 then? Not now. Then.

7 To find him guilty, you have to believe
8 beyond a reasonable doubt that he knew or
9 essentially should have known that he was
10 defrauding people and that he was a participant in
11 that. The instructions will tell you the
12 agreement -- you have to have agreement in a
13 conspiracy. The Government gave you an example
14 about a bank robbery with a head nod or something.
15 No, you got to say, Hey, let's go rob a bank.
16 That's agreement. If you're sitting in the car and
17 nobody told you you guys were going to go do a bank
18 robbery, that's not an agreement. That's not a
19 meeting of the minds. He had to know that he was
20 defrauding somebody.

21 I'm not going to belabor this. We've been
22 here a long time, but like how you just see things,
23 the Government's perspective of, like, well, he
24 didn't get out of the car and he didn't help these
25 ladies, and he didn't do this, and he didn't talk

1 to them, I mean, from that perspective, it's really
2 rude, right? I mean, you've got this old --
3 elderly, sorry, lady whose -- it's fantastical that
4 she has \$188,000 in gold bars that by herself she
5 lifts, puts on a walker, and rolls it out to the
6 car. I mean, if you told somebody that, you would
7 say, Nah, nobody is really going to do that, but
8 she did, right?

9 And so the criticism is Mr. Patel is rude
10 because he doesn't get out and help her, he doesn't
11 do this and he doesn't do that; but if you are a
12 big scammer like these guys are who are on the
13 phone for hours and hours and hours trying to sweet
14 talk these ladies, wouldn't you go help her?
15 Because you got to keep her on the hook for the
16 next package, right? Mr. Patel just sits there
17 waiting for his delivery, isn't friendly to them,
18 doesn't try to facilitate more packages or scams or
19 introduce himself. He just sits there, gets
20 whatever they put in the car and then leaves.

21 The Government has talked about, Well, you
22 will trust somebody related to you or it's just a
23 lot of trust. They didn't trust Mr. Patel any more
24 than these ladies. They made him take all these
25 pictures all the time. He had to send them stuff.

1 When you look at the videos, he is not unwrapping
2 any boxes. They've got to stay wrapped, right,
3 because that's what they wanted him to do to send
4 the pictures of them. It's not that you're
5 trusting your relative, you're trusting the
6 slowest, not as smart, wife's cousin, right?
7 Because you can just cut him loose because you
8 don't care about him. So what if he gets arrested?
9 So what if he gets picked up, right? What
10 difference does it make? Who cares? You don't
11 care about him. They're moving so much money if he
12 loses a package, so what? They're just going to
13 cut him loose, which is what they did.

14 The Government has to -- is required to --
15 prove to you beyond a reasonable doubt that he
16 knew. If you have a doubt, they didn't prove it.
17 He got up there. He admitted he came to the United
18 States illegally. He admitted to that. Why
19 wouldn't he admit to the other stuff? Why would he
20 just keep screaming about courier? Because that's
21 his truth he's been trying to tell for a long time.
22 Thank you very much for your attention.

23 THE COURT: You're going to have to keep
24 it short, Peter.

25 MR. REED: Three points, three minutes.

1 Hang with me. This is not a case about parsing
2 words or car colors or misunderstanding. This is a
3 case about common sense, about a trusted
4 coconspirator and a guilty conscience. It's about
5 common sense. Driving hundreds of miles to take
6 tens of thousands of dollars from older women in
7 shoeboxes in the dark, that's wrong in any culture,
8 in any language. He saw those victims. He saw the
9 money. He is the one who did the driving. Highly
10 probable they're being defrauded. He took
11 deliberate action to avoid learning anything that
12 he could. That's the ostrich instruction. Common
13 sense.

14 Second, trusted coconspirator and not a
15 dupe. Defense counsel compared him to these
16 victims. It's not even close, not even close.
17 He's clearly not a dupe. One, he's entrusted with
18 hundreds of thousands of dollars by these folks.
19 Hundreds of thousands of dollars. He said that,
20 They trust me. Who is the guy? This guy. And who
21 is their guy in Indiana? The defendant. Who is
22 their guy in Wisconsin? The defendant. Who is
23 their guy in Illinois? The defendant. All the
24 people in those three states, there is one guy they
25 trust to take this money and bring it back home.

1 It's this guy. Close communication, trusted
2 coconspirator, yes, this is going back to India,
3 but these are his people, right?

4 Remember when the victim in Wisconsin
5 said, I couldn't see the car? I said I couldn't
6 see the car to the guy on the phone, to the
7 scammer, and then the car's lights flashed. That's
8 close communication. It's a small crew. Knows
9 what they're doing. The friends and family
10 network, right? It's his family. These are the
11 people he runs home to when the police stop him.
12 It's a close network. It's his family. He is a
13 trusted member of what's going on, and he said
14 they're dangerous people, right? Dangerous people.
15 They can do anything they want to people. That is
16 a trusted coconspirator who knows that he's doing
17 something dangerous, that dangerous people are
18 taking money from these women, and he is part of
19 it, right?

20 Guilty conscious. You heard the victims
21 talk repeatedly about how he tried to hide from
22 them. Doesn't want to be seen. You saw how he
23 deleted everything, and you heard that he got
24 stopped in Wisconsin, and this is just -- it's
25 fundamental. You get stopped doing something, and

1 it, it -- you did not pick up that package. He
2 knew she did not want him to take her money, but he
3 doesn't tell the police, Oh, I took her money a
4 week ago too. That's not what happened, right? He
5 knew that he had been stopped and what he was doing
6 was wrong, and he kept doing it. He ran away to
7 Atlanta, he came back, and he kept doing it over
8 and over.

9 Guilty conscious, dishonesty, right? Over
10 and over dishonesty. Wisconsin, I don't know who
11 these people are. I don't know -- I've been
12 talking to KKT for two days. No. He knew Abhishek
13 back in India.

14 Dishonest in Edwardsville. He said one
15 time, first time, odd job. All indications he was
16 trying to communicate I'm not involved in this, but
17 that was a lie. We know he was involved in this.
18 He wanted the police to believe something different
19 than what he knew was true. That's a guilty
20 conscious.

21 And, again, in the interview, he says, I
22 didn't get any money from this. Well, he did get
23 money from this. He admitted that. You lie
24 because you have a guilty conscious, and you are
25 trying to hide something. You're trying to lie

1 that you are a trusted member of the conspiracy,
2 that you knew what you were doing was wrong, and
3 that's what it comes down to the end in that
4 interview. He says not once, not twice, but four
5 or five, six times he uses the word "wrong," right?
6 "I knew what they were doing was wrong." To tell
7 you the truth. Well, what they were doing was
8 wrong, and we all know that. Knew what they were
9 doing is wrong.

10 I urge all of you to carefully consider
11 the evidence and the law. I trust that if you do
12 that, use your common sense, you will return a
13 verdict of guilty on all five counts. Thank you.

14 THE COURT: Thank you.

15 Members of the jury, I will now instruct
16 you on the law that you must follow in deciding
17 this case. I will also give you a copy of these
18 instructions to use in the jury room. You must
19 follow all of my instructions about the law even if
20 you disagree with them. This includes the
21 instruction I gave you before the trial, any
22 instructions I gave you during the trial and
23 instructions I am giving you now.

24 As jurors, you have two duties. Your
25 first duty is to decide the facts from the evidence

1 that you saw and heard here in court. This is your
2 job. It's not my job or anyone else's job. Your
3 second duty is to take the law as I give it to you,
4 apply it to the facts and decide if the Government
5 has proved the defendant guilty beyond a reasonable
6 doubt.

7 You must perform these duties fairly and
8 impartially. Do not let sympathy, prejudice, fear
9 or public opinion influence you. In addition, do
10 not let anyone's race, color, religion, national
11 ancestry or gender influence you.

12 You must not take anything I said or did
13 during the trial as indicating I have an opinion
14 about the evidence or about what I think your
15 verdict should be.

16 The charges against the defendant are in a
17 document called an indictment. You will have a
18 copy of the indictment during your deliberations.
19 The superseding indictment in this case charges the
20 defendant committed the crime of conspiracy to
21 commit wire fraud and mail fraud in Count 1; wire
22 fraud, Count 2, 3 and 4; and illegal entry, Count
23 5. The defendant has pled not guilty to these
24 charges.

25 The indictment is simply the formal way of

1 telling a defendant what crime he is accused of
2 committing. It is not evidence that the defendant
3 is guilty. It does not even raise a suspicion of
4 guilt. The defendant is presumed innocent on each
5 and every one of the charges. This presumption
6 continues throughout the case including during your
7 deliberations. It is not overcome unless from all
8 the evidence in the case you are convinced beyond a
9 reasonable doubt that the defendant is guilty as
10 charged.

11 The Government has the burden of proving
12 each defendant guilty beyond a reasonable doubt.
13 This burden of proof stays with the Government
14 throughout the case. A defendant is never required
15 to prove his innocence. He is not required to
16 produce any evidence at all.

17 You must make your decision based only on
18 the evidence that you saw and heard here in court.
19 Do not consider anything you may have seen or heard
20 outside of the Court, including anything from the
21 newspaper, television, radio, the Internet or any
22 other source. The evidence includes only what the
23 witness said -- I'm sorry, only what the witnesses
24 said when they were testifying under oath and the
25 exhibits that I have allowed into evidence and the

1 stipulation that the lawyers agreed to.

2 A stipulation is an agreement that certain
3 facts are true. In addition, you may recall that I
4 took judicial notice of certain facts that may be
5 considered as matters of common knowledge. I don't
6 think we did any judicial notice in this, but it's
7 in the rules, so I'm going to read it to you
8 anyway. You may accept those facts as proven, but
9 you are not required to do so.

10 Nothing else is evidence. Lawyers'
11 statements and arguments are not evidence. If what
12 a lawyer is said is different from the evidence as
13 you remember it, it's the evidence that counts.
14 The lawyers' questions and objections, likewise,
15 are not evidence. A lawyer has a duty to object if
16 he thinks a question is improper. If I sustain the
17 objection to questions a lawyer asked, you must not
18 speculate on what the answers might have been. If
19 during a trial I struck testimony or exhibits from
20 the record or told you to disregard something, you
21 must not consider it.

22 Give the evidence whatever weight you
23 decide it deserves. Use your common sense in
24 weighing the evidence and consider the evidence in
25 light of your own everyday experience.

1 People sometimes look at one fact and
2 conclude from it that another fact exists. This is
3 called an inference. You are allowed to make
4 reasonable inferences so long as they are based on
5 the evidence.

6 You may have terms -- you may have heard
7 terms like direct evidence and circumstantial
8 evidence. Direct evidence is evidence that
9 directly proves a fact. Circumstantial evidence is
10 evidence that indirectly proves a fact. You are to
11 consider both direct and circumstantial evidence.
12 The law does not say that one is better than the
13 other. It is up to you to decide how much weight
14 to give any evidence whether direct or
15 circumstantial.

16 Do not make any decisions simply by
17 counting the number of witnesses who testified
18 about a certain point. What is important is how
19 truthful and accurate the witnesses were and how
20 much weight you think their testimony deserves.
21 Part of your job as jurors is to decide how
22 believable each witness was and how much weight to
23 give each witness. You may accept all of what a
24 witness says or part of it or none of it. Some
25 factors you may consider include the intelligence

1 of the witness; the witness' ability and
2 opportunity to see, hear or know the things the
3 witness testified about; the witness' memory; the
4 witness' demeanor; whether the witness has any
5 bias, prejudice or other reason to lie or slant the
6 testimony; the truthfulness and accuracy of the
7 witness' testimony in light of the other evidence
8 presented; and inconsistent or consistent
9 statements or conduct by the witnesses.

10 You have heard evidence that before the
11 trial, a witness made statements that may be
12 inconsistent with their testimony here in court.
13 You may consider an inconsistent statement made
14 before a trial only to help you decide how
15 believable a witness' testimony was here in court.

16 You have heard evidence that before the
17 trial, the defendant made statements that may be
18 inconsistent with his testimony here in court. You
19 may consider an inconsistent statement by the
20 defendant made before the trial to help you decide
21 how believable the defendant's testimony was here
22 in court and also as evidence of the truth of
23 whatever the defendant said in the earlier
24 statement.

25 You have heard that the defendant made

1 statements to law enforcement. You must decide
2 whether the defendant actually made the statements
3 and, if so, how much weight to give to those
4 statements. In making these decisions, you should
5 consider all of the evidence, including the
6 defendant's personal characteristics and
7 circumstances under which the statement may have
8 been made.

9 During the trial, Hindi and Gujarati
10 language recordings were admitted into evidence.
11 You were also given English transcripts of those
12 recordings, so you could consider the contents of
13 the recording. It is up to you to decide whether a
14 transcript is accurate, in whole or in part. You
15 may consider the translator's knowledge, training
16 and experience, the nature of the conversation and
17 the reasonableness of the translation in light of
18 all the evidence in the case. You may not rely on
19 any knowledge you may have of the Hindi or Gujarati
20 language. Rather, your consideration of the
21 transcript should be based on the evidence
22 introduced at trial.

23 Certain summaries and charts were admitted
24 in evidence. You may use those summaries and
25 charts as evidence.

1 If you've taken notes during the trial,
2 you may use them during deliberations to help you
3 remember what happened during the trial. You
4 should use your notes only as an side to your --
5 I'm sorry, only as aids to your memory. The notes
6 are not evidence. All of you should rely on your
7 independent recollection of the events, and you
8 should not be unduly influenced by notes of other
9 jurors. Notes are not entitled to any more weight
10 than the memory or impression of each juror.

11 The superseding indictment charges that
12 crimes happened "on or about" certain dates. The
13 Government must prove that the crimes happened
14 reasonably close to those dates. The Government is
15 not required to prove the crimes happened on those
16 exact dates.

17 The defendant has been accused of more
18 than one crime. The number of charges is not
19 evidence of guilt and should not influence your
20 decision. You must consider each charge
21 separately. Your decision on one charge, whether
22 it's guilty or not guilty, should not influence
23 your decision on any other charge.

24 In deciding your verdict, you should not
25 consider the possible punishment for the defendant.

1 If you decide that the Government has proved the
2 defendant guilty beyond a reasonable doubt, then it
3 will be my job to decide on the appropriate
4 punishment.

5 Count 1 of the indictment charges the
6 defendant with conspiracy to commit wire fraud and
7 mail fraud. In order for you to find a defendant
8 guilty of this charge, the Government must prove
9 each of the following elements beyond a reasonable
10 doubt:

11 One, the conspiracy to commit wire fraud
12 or mail fraud existed; and two, the defendant
13 became a member of the conspiracy with an intention
14 to further that conspiracy.

15 If you find from your consideration of all
16 the evidence the Government has proved each of
17 these elements beyond a reasonable doubt as to the
18 defendant, then you should find the defendant
19 guilty of that charge. If, on the other hand, you
20 find from your consideration of all the evidence
21 that the Government has failed to prove any one of
22 these elements beyond a reasonable doubt as to the
23 defendant, then you should find the defendant not
24 guilty of that charge.

25 A "conspiracy" is an express or implied

1 agreement between two or more persons to commit a
2 crime. A conspiracy may be proven even if its
3 goals were not accomplished. In deciding whether
4 the charged conspiracy existed, you may consider
5 all of the circumstances, including the words and
6 acts of each of the alleged participants.

7 A conspiracy may exist even if a
8 conspirator does not agree to commit or facilitate
9 each and every part of the substantive offense. If
10 a -- if conspirators have a plan that calls for
11 some conspirators to perpetrate the crime and
12 others to provide support, the supporters are as
13 guilty as the perpetrators.

14 Counts 2, 3 and 4 of the superseding
15 indictment charges the defendant with wire fraud.
16 In order for you to find the defendant guilty of
17 these charges, the Government must prove each of
18 the following elements beyond a reasonable doubt as
19 to each charge:

20 One, that the defendant knowingly devised
21 or participated in a scheme to defraud as described
22 in Count 1; two, the defendant did so with the
23 intent to defraud; and three, that the scheme to
24 defraud involved a materially false or fraudulent
25 pretense, representation or promise; and four, that

1 the purpose of carrying out this scheme or
2 attempting to do so, the defendant caused
3 interstate wire communications to take place in the
4 manner charged in the particular count.

5 If you find from your consideration of all
6 the evidence that the Government has proved each of
7 these elements beyond a reasonable doubt as to the
8 charge you're considering, then you should find the
9 defendant guilty of that charge.

10 If, on the other hand, you find from your
11 consideration of the evidence that the Government
12 has failed to prove any one of these elements
13 beyond a reasonable doubt, then you should find the
14 defendant not guilty.

15 A scheme is a plan or course of action
16 formed with the intent to accomplish some purpose.
17 A scheme to defraud is a scheme that intends to
18 deceive or cheat another and to obtain money or
19 property or cause the potential loss of money or
20 property to another by means of materially false or
21 fraudulent pretenses, representations or promises.
22 A materially false or fraudulent pretense,
23 representation or promise may be accomplished by an
24 omission or the concealment of material
25 information.

1 In considering whether the Government has
2 proven a scheme to defraud, the Government must
3 prove that one or more of the false or fraudulent
4 pretenses, representations or promises charged in
5 the portion of the indictment describing the scheme
6 be proven -- be proved beyond a reasonable doubt.
7 The Government, however, is not required to prove
8 all of them.

9 A false pretense, representation, promise,
10 omission or concealment is "material" if it is
11 capable of influencing the decision of the person
12 or entity to whom it was addressed. It is not
13 necessary that the false or fraudulent pretense,
14 representation, promise, omission or concealment
15 actually have that influence -- or actually have
16 that influence or be relied on by the alleged
17 victim as long as it is capable of doing so.

18 A person acts with intent to defraud if he
19 acts knowingly with the intent to deceive or cheat
20 in order to cause a gain of money or property to
21 the defendant or another or the potential loss of
22 money or property of another.

23 A person acts knowingly if he realizes
24 what he is doing and is aware of the nature of his
25 conduct and does not act through ignorance, mistake

1 or accident. If you decide whether -- I'm sorry.
2 In deciding whether the defendant acted knowingly,
3 you may consider all of the evidence, including
4 what the defendant did or said.

5 You may find that the defendant acted
6 knowingly if you find beyond a reasonable doubt
7 that he believed it was highly probable that the
8 victims were being defrauded and that he took
9 deliberate action to avoid learning that fact. You
10 may not find the defendant acted knowingly if he
11 were merely mistaken or careless in not discovering
12 the truth or if he failed to make an effort to
13 discover the truth.

14 An offense may be committed by more than
15 one person. A defendant's guilt may be established
16 without proof that the defendant personally
17 performed every act constituting the crime charged.
18 Any person who knowingly aids the commission of an
19 offense may be found guilty of that offense if he
20 knowingly participated in the criminal activity and
21 tried to make it succeed.

22 The wire fraud statute can be violated
23 whether or not there is any loss or damage to the
24 victim of the crime or gain to the defendant. The
25 Government need not prove that the scheme to

1 defraud actually succeeded.

2 Telephone calls, mobile or cellular
3 telephone calls, facsimiles, emails, instant
4 messages, wire transfers of funds, text messages
5 and electronic filing of documents constitutes
6 transmission by a means of wire communication.

7 The Government must prove that a private
8 or commercial interstate carrier or interstate
9 communication facilities were used to carry out the
10 scheme, or were incidental to an essential part of
11 the scheme.

12 In order to cause the use of a private or
13 commercial interstate carrier or cause interstate
14 wire communication to take place, the defendant
15 need not actually intend that use to take place.
16 You must find the defendant knew this would
17 actually occur, or that the defendant knew that it
18 would occur in the ordinary course of business, or
19 that the defendant knew facts from which that use
20 could reasonably have been foreseen. However, the
21 Government does not have to prove that the
22 defendant knew that the wire communication was of
23 an interstate nature or that the carrier was an
24 interstate carrier.

25 The defendant need not actually or

1 personally use an interstate carrier or interstate
2 communications facility. Although an item
3 communicated interstate need not itself contain a
4 fraudulent representation or promise or a request
5 for money, it must carry out or attempt to carry
6 out the scheme.

7 Count 4 charges the defendant caused an
8 interstate wire communication between the states of
9 Indiana and Oklahoma. To convict on the wire fraud
10 counts, you are not required to find that the wire
11 communication alleged in that particular count
12 passed through the Southern District of Illinois.
13 Instead, you must find that the wire communication
14 alleged in the indictment traveled between two
15 different states and that the defendant intended to
16 defraud individuals residing in the Southern
17 District of Illinois.

18 Count 5 of the indictment charges the
19 defendant with eluding examination and inspection
20 by immigration officers. In order for you to find
21 the defendant guilty of this charge, the Government
22 must prove both of the following elements beyond a
23 reasonable doubt:

24 One, the defendant was an alien; and two,
25 the defendant knowingly eluded examination and

1 inspection by immigration officers.

2 If you find from your consideration of all
3 the evidence that the Government has proved each of
4 these elements beyond a reasonable doubt, then you
5 should find the defendant guilty. If, on the other
6 hand, you find from your consideration of all the
7 evidence that the Government has failed to prove
8 any one of these elements beyond a reasonable
9 doubt, then you should find the defendant not
10 guilty.

11 Once you are all in the jury room, the
12 first thing you should do is choose a foreperson.
13 The foreperson should see to it that your
14 discussions are carried on in an organized way and
15 that everyone has a fair chance to be heard. You
16 may discuss the case only when all jurors are
17 present. Once you start deliberating, do not
18 communicate about the case or your deliberations
19 with anyone except other members of the jury.

20 You may not communicate with others about
21 the case or your deliberations by any means. This
22 includes oral or written communications as well as
23 any electronic method of communication, such as a
24 smartphone, text messaging, instant messaging or
25 services like Facebook, Twitter, or any other

1 method of communication.

2 If you need to communicate with me while
3 you're deliberating, send a note to the court
4 security officer. The note should be signed by the
5 foreperson or by one or more members of the jury.
6 To have a complete record of this trial, it is
7 important that you do not communicate with me
8 except by written note. I may have to talk to the
9 lawyers about your message, so it may take me some
10 time to get back to you. You may continue your
11 deliberations while you wait for my answer.

12 Please be advised that transcripts of
13 trial testimony are not available to you. You must
14 rely on your collective memory of the testimony.
15 If you send a message, do not include the breakdown
16 of any votes you may have conducted. In other
17 words, do not tell me you are split 6 to 6 or 8 to
18 4 or whatever your vote happens to be.

19 The verdict forms have been prepared for
20 you. You will take these forms with you to the
21 jury room. The verdict form is very simple. It
22 says, We, the jury, find the following with respect
23 to Defendant Nirav Patel. You have a column, Count
24 1, 2, 3, 4, 5. If you find guilty, check the box
25 under or -- the line under "Guilty." If not

1 guilty, check the line under "Not Guilty." Then it
2 has a place for the foreperson to sign and then a
3 sign -- a place for each of the rest of the jurors
4 to sign.

5 When you have reached a unanimous
6 agreement, the foreperson will fill in, date and
7 sign the verdict forms. Each of you will sign the
8 form. Advise the court security officer once you
9 have reached a verdict. When you come back to the
10 courtroom, I will read the verdict aloud.

11 Your verdict must represent the considered
12 judgment of each juror. Your verdict, whether it
13 is guilty or not guilty, must be unanimous.

14 You should make every effort -- you should
15 make every reasonable effort to reach a verdict.
16 In doing so, you should consult with each other,
17 express your own views, and listen to your fellow
18 jurors' opinions. Discuss your differences with an
19 open mind. Do not hesitate to reexamine your own
20 views and change your opinion if you come to
21 believe it is wrong, but you should not surrender
22 your honest beliefs about the weight or effect of
23 evidence just because of the opinions of your
24 fellow jurors or just so there can be a unanimous
25 verdict.

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1 The twelve of you should give fair and
2 equal consideration to all the evidence. You
3 should deliberate with the goal of reaching an
4 agreement that is consistent with the individual
5 judgments of each juror. You are impartial judges
6 of the facts. Your sole interest is determined
7 whether the Government has proven its case beyond a
8 reasonable doubt.

9 All right. Swear in the court security
10 officer.

11 || (Court security officer sworn.)

12 THE COURT: The joys of being the
13 alternate jurors: In a civil case, you get to
14 deliberate with the whole group, but in a criminal
15 case, because the specifics are the judgment of 12
16 jurors, the alternates will not deliberate with the
17 jury unless I discharge one of the jurors for
18 whatever reason. So we will keep you separately,
19 and we'll keep you advised of things, but it's kind
20 of the gip that we spring on you at 3:25 on a
21 Friday afternoon. All right.

22 || COURTROOM DEPUTY: All rise.

25 MS. FRETER: Judge, this is in support of

1 my objection to Jury Instruction No. 26, which was
2 the non-pattern Pinkerton-like instruction that the
3 Government submitted. I wanted the record to
4 reflect for any issues concerning possible
5 prejudice that during the first part of the
6 Government's closing argument, this instruction,
7 portions of it, were displayed on a PowerPoint
8 screen. They were left in front of the jury. The
9 slide was left up from approximately 1:22 to 1:27,
10 so for about five minutes. The words were
11 highlighted in yellow and underlined. Thank you.

12 THE COURT: Any response?

13 MR. WEINHOEFT: No.

14 THE COURT: Anything else?

15 MS. FRETER: No, Your Honor.

16 THE COURT: All right. Well, we will
17 await the jury's verdict. It was my hope that the
18 cross-examination would have gone much faster
19 today. My understanding -- and I did not want to
20 give the jury this case late in the day; however,
21 impacting my determination was we're required to
22 have two out-of-state translators, interpreters,
23 present. If I were to continue this to Monday --
24 and my understanding is the inclement weather, at
25 least yesterday, there was the belief that we may

1 have weather issues on Monday, and I didn't want to
2 force translators to try to travel Monday or
3 Tuesday if there were going to be inclement issues
4 with weather. We still may -- we may still carry
5 on until Monday for deliberations. Generally
6 speaking, the -- they want people out of this
7 courthouse by 4:30, but we will keep the jury for a
8 while after that. I'll just have to see how things
9 are being paced and what they have to say.

10 All right. Anything else on the record
11 before we close for the Government?

12 MR. REED: No, Judge.

13 THE COURT: Anything else for defense?

14 MS. FRETER: No, Your Honor.

15 (Recess from 3:30 p.m. to 4:04 p.m.)

16 (On the record outside the presence of the
17 jury.)

18 THE COURT: Very quick, we got a note from
19 the jury that reads as follows: We need two copy
20 (sic) of the indictment. We do not know what the
21 exact charges are for Counts 2, 3 and 4.

22 MR. WEINHOEFT: That seems like a very
23 reasonable request on their end.

24 MS. FRETER: There was a copy of the
25 indictment that went back, though, right?

1 THE COURT: There was supposed to be a
2 copy of the superseding indictment. I told them
3 that they would get it.

4 COURTROOM DEPUTY: They did not get it.

5 THE COURT: They did not get it?

6 COURTROOM DEPUTY: No.

7 THE COURT: So we send them two copies of
8 the superseding indictment. Do you want me to put
9 anything else?

10 MS. FRETER: No, Your Honor.

11 THE COURT: All right. So I won't even --
12 I will keep this writing, as I'm required to, but I
13 will just have the court security officer go in
14 there with two copies of the superseding
15 indictment.

16 Any objection?

17 MR. WEINHOEFT: No, sir.

18 MR. REED: No.

19 MS. FRETER: No, Your Honor.

20 THE COURT: All right.

21 (Recess at 4:06 p.m. to 4:27 p.m.)

22 (Jury present.)

23 THE COURT: All right. Mr. Foreman, do
24 you have a verdict?

25 MR. FOREMAN: Yes, Your Honor.

1 THE COURT: Would you hand it to the court
2 security officer?

3 All right. I've been handed a verdict in
4 the *United States of America v. Nirav Patel*. We,
5 the jury, find the following with respect to
6 Defendant Nirav Patel: As to Count 1, guilty; as
7 to Count 2, guilty; as to Count 3, guilty; as to
8 Count 4, guilty; as to Count 5, guilty.

9 Signed as Foreman, Demari Williams.

10 Sir, is this your signature?

11 MR. FOREMAN: Yes, Your Honor.

12 THE COURT: All right. Juror No. 1, is
13 this your verdict, and did you sign the form?

14 JUROR NO. 1: Yes, Your Honor.

15 THE COURT: All right. Juror No. 2, is
16 this your verdict?

17 JUROR NO. 2: It is, Your Honor.

18 THE COURT: And as to all counts?

19 JUROR NO. 2: (No response.)

20 THE COURT: As to all counts?

21 JUROR NO. 2: Yes, sir.

22 THE COURT: And is that your signature?

23 JUROR NO. 2: Yes.

24 THE COURT: All right. Juror No. 1, is
25 this, to all counts, your verdict?

1 JUROR NO. 1: Yes.

2 THE COURT: Juror No. 3, is this your
3 verdict as to each count?

4 JUROR NO. 3: Yes.

5 THE COURT: All right. And is this your
6 signature?

7 JUROR NO. 3: Yes.

8 THE COURT: All right. Juror No. 4, is
9 this your verdict?

10 JUROR NO. 4: Yes.

11 THE COURT: And as to all counts?

12 JUROR NO. 4: Yes.

13 THE COURT: And this is your signature?

14 JUROR NO. 4: Yes.

15 THE COURT: All right. Next, is this your
16 verdict, ma'am -- I already read yours.

17 Demari, is this your verdict?

18 MR. FOREMAN: Yes, Your Honor.

19 THE COURT: As to each count?

20 MR. FOREMAN: Yes, Your Honor.

21 THE COURT: All right. And did you sign
22 this?

23 FOREMAN: Yes, Your Honor.

24 THE COURT: Next juror, is this your
25 verdict?

1 JUROR NO. 6: Yes, sir.

2 THE COURT: And is that to all counts?

3 JUROR NO. 6: Yes.

4 THE COURT: Is this your signature?

5 JUROR NO. 6: Yes.

6 THE COURT: Ma'am, is this your verdict?

7 JUROR NO. 7: Yes.

8 THE COURT: And as to each count?

9 JUROR NO. 7: Yes.

10 THE COURT: And is this your signature?

11 JUROR NO. 7: Yes.

12 THE COURT: All right. Sir, is this your
13 verdict?

14 JUROR NO. 8: Yes.

15 THE COURT: As to each count?

16 JUROR NO. 8: Yes.

17 THE COURT: And is this your signature?

18 JUROR NO. 8: Yes.

19 THE COURT: Juror, is this your verdict?

20 JUROR NO. 9: Yes, sir.

21 THE COURT: As to each count?

22 JUROR NO. 9: Yes, sir.

23 THE COURT: And is this your signature?

24 JUROR NO. 9: Yes.

25 THE COURT: Sir, is this your verdict?

1 JUROR NO. 10: Yes.

2 THE COURT: As to each count?

3 JUROR NO. 10: Yes.

4 THE COURT: Is this your signature?

5 JUROR NO. 10: Yes.

6 THE COURT: Is this your verdict?

7 JUROR NO. 11: Yes.

8 THE COURT: As to each count?

9 JUROR NO. 11: Yes.

10 THE COURT: And is this your signature?

11 JUROR NO. 11: Yes.

12 THE COURT: And finally, sir, is this your
13 verdict?

14 JUROR NO. 12: Yes, Your Honor.

15 THE COURT: As to each count?

16 JUROR NO. 112: Yes, Your Honor.

17 THE COURT: And is this your signature?

18 JUROR NO. 12: Yes, Your Honor.

19 THE COURT: I'll enter a judgment on the
20 jury's verdict.

21 Ladies and gentlemen, I appreciate very
22 much your service this week. Any time we are -- we
23 have cases where you have language barriers, that
24 sort of thing, it makes it more difficult, but I'm
25 very impressed in the way you conducted yourself,

1 and it's important not only that, you know, when
2 people participate in hearings that they think that
3 it's fair and they see that people are trying to be
4 fair, and I commend you because you guys conducted
5 yourself appropriately, and we thank you for your
6 service.

7 Most cases that go to trial go to trial
8 because they're not easy cases. Easy cases tend to
9 get resolved. It's the tough cases that tend to go
10 to trial, and so we appreciate your efforts in
11 helping us in this case.

12 My admonitions about you not being able to
13 talk to people about this case, that's done. You
14 can talk to your family. You can talk to your
15 alternates about your thoughts. You can talk to
16 them. We do have some stuff for you so that you'll
17 have to go back to the jury room before we
18 discharge you, and not only are you free to talk to
19 your family and friends about it, but you can talk
20 to the lawyers if you wish.

21 Sometimes the lawyers stick around,
22 they'll be available out in the hall or here. If
23 you want to talk to the lawyers, you're welcome to
24 do so. If you want to talk to me about it, you're
25 welcome to do so, if you want me to give you a tour

1 of what else is back there.

2 As you probably figured out, the -- our
3 little dinky jury room with our indifferent coffee
4 is probably the least impressive room of this
5 complex. So if you want to do that, you can. If
6 you want to leave from here and -- you're free to
7 do that as well. You're not obligated to talk to
8 anybody.

9 Now, Mr. Patel, the -- as I explained in
10 the instructions, we will set this matter for a
11 sentencing hearing. The sentencing hearing will be
12 on May 29, 2025, in this courtroom at 10:30 a.m.
13 It will be open to the public if anybody wishes to
14 watch the proceedings.

15 At a sentencing hearing, it's not just the
16 day you find out what sentence will be imposed.
17 You can call witnesses. You can testify. Victims
18 can testify. The -- I'm not sure what the
19 sentencing guidelines are in this case. You will
20 be asked to meet with probation, and you can have
21 your lawyer present if you wish when you talk to
22 them, and the probation will prepare a detailed
23 review of the facts of your background. We'll talk
24 about your family, your employment history, and
25 that's called a presentence investigative report.

1 You and your lawyer can object to anything that is
2 in that report, and I will rule on those objections
3 before we get to the sentencing phase of the
4 hearing.

5 The -- we generally -- there's two things.
6 There's statutes that say here under the law are
7 the potential penalties that can be imposed: A
8 term of imprisonment, a term of supervised release
9 or probation, but it's usually a pretty big swing,
10 many years apart. The sentencing guidelines give
11 us a narrower range of what the sentencing
12 guidelines would recommend in your case. I'm not
13 obligated to them; but if I impose a sentence
14 that's above or below those guidelines, I have to
15 give my reasons why I'm doing that.

16 So you are able to talk to me at the
17 sentencing hearing about all the things you want me
18 to know about you before I impose a sentence. What
19 the law directs me to do is to impose a sentence
20 that is sufficient, but not greater than necessary,
21 to fulfill the interests of justice, and so -- and
22 I'll listen to whatever you have to say. If you
23 have witnesses that will come in and testify about
24 you, we'll listen to them as well. You don't have
25 to talk to me, but if you do, I'll listen. Your

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1 lawyer will get to argue on your behalf, but I want
2 to let you know that those are rights that you
3 have.

4 All right. Anything else from the
5 Government?

6 MR. REED: No, Judge. Thank you.

7 THE COURT: Anything else on behalf of the
8 defendant?

9 MS. FRETER: No, Your Honor.

10 THE COURT: All right. We are adjourned.
11 Thank you very, very much.

12 (Proceedings adjourned at 4:36 p.m.)

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16 CERTIFICATE OF COURT REPORTER

17

18 I, Erin M. Materkowsky, hereby certify that
19 the foregoing is a true and correct transcript from
20 reported proceedings in the above-entitled matter.

21

22 /s/ Erin M. Materkowsky
23 ERIN M. MATERKOWSKI, RPR, CRR
24 Official Court Reporter
25 Southern District of Illinois
 East St. Louis Division

 Date: 06/30/2025